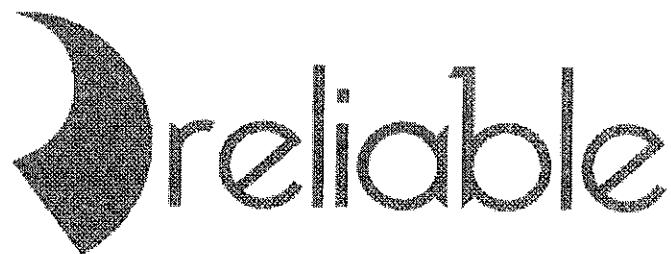


EXHIBIT “4”



Transcript of the Testimony of
BRIAN REYNOLDS
July 28, 2021
KAREEM TORAIN

- VS -

CITY OF PHILADELPHIA

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KAREEM TORAIN - vs -
CITY OF PHILADELPHIA

BRIAN REYNOLDS

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

3 KAREEM TORAIN, :
4 Plaintiff, : Civil Action
5 - vs - : No. 14-1643
6 CITY OF PHILADELPHIA, et al. : Lead Docket No.
7 : 13-2773
Defendants. :

10 TRANSCRIPT OF DEPOSITION, taken by and
11 before KIMBERLY CHATBURN, Professional Court
12 Reporter and Notary Public, at the Law Offices of
13 Michael Pileggi, 303 Chestnut Street, Philadelphia,
14 Pennsylvania 19103, on Wednesday, July 28, 2021,
15 commencing at 10:20 a.m.

COPY

RELIABLE COURT REPORTING
1650 Arch Street
Suite 2210
Philadelphia, PA 19103

KAREEM TORAIN - vs -
CITY OF PHILADELPHIA

BRIAN REYNOLDS

1	A P P E A R A N C E S	Page 2	1	(By agreement of counsel, the 2 sealing, filing and certification of the 3 transcript has been waived; and all 4 objections, except as to the form of the 5 question, have been reserved until the time 6 of trial.)	Page 4
2			7		
3			8	BRIAN REYNOLDS, after having been	
4	LAW OFFICE OF MICHAEL FILEGGI BY: MICHAEL FILEGGI, ESQUIRE 303 Chestnut Street Philadelphia, Pennsylvania 19103 Attorneys for the Plaintiff		9	duly sworn, was examined and testified as	
5			10	follows:	
6			11	ATTORNEY FILEGGI: Before we	
7	MARSHALL, DENNEHEY, WARNER, COLEMAN & GOGGIN BY: JOHN P. GONZALES, ESQUIRE 2000 Market Street Suite 2300 Philadelphia, Pennsylvania [!ZIP2] Attorneys for Police Officer Reynolds		12	begin let's put on the record that this is	
8			13	the deposition of Brian Reynolds. All	
9			14	parties were noticed. Specifically I	
10			15	noticed Mr. Gonzales with respect to his	
11	CITY OF PHILADELPHIA LAW DEPARTMENT BY: JOSEPH SENGOBA, ESQUIRE 1515 Arch Street 14th Floor Philadelphia, Pennsylvania [!ZIP3] Attorneys for City of Philadelphia		16	client, Officer Reynolds, who is present.	
12			17	Also present is Jeffrey Walker, defendant	
13			18	Jeffrey Walker.	
14			19	And I also noticed the City defendants who	
15			20	are represented by the City solicitor's	
16			21	office, Jonathan Cooper and Joe Sengoba.	
17	ALSO PRESENT		22	The deposition was supposed to	
18	Jeffrey Walker - pro se		23	begin at 10:00. It is now 10:20. The City	
19			24	defendants are not present. We are going	
20					
21					
22					
23					
24					
1	I N D E X	Page 3	1	to commence the deposition. If they come	Page 5
2			2	in we will put on the record then when they	
3	WITNESS	PAGE	3	come in.	
4	BRIAN REYNOLDS		4	ATTORNEY GONZALES: The witness	
5			5	is going to read and sign. And just as a	
6	By: Attorney Pileggi	4	6	dove tail to what Mr. Pileggi said as far	
7			7	as notice, et cetera, I note in the email	
8			8	sending the Notice of Deposition for	
9	-----		9	Officer Reynold's deposition that	
10			10	Mr. Walker was not included on that email	
11			11	and nor did I receive any other	
12			12	notification that Mr. Walker had been	
13			13	notified about the deposition.	
14			14	So if there was another communication with	
15	E X H I B I T S		15	Mr. Walker --	
16			16	ATTORNEY PILEGGI: And let me	
17	NUMBER	DESCRIPTION	17	just say for the record, pursuant to the	
18	Reynolds-1	Warrant	18	Judge's order that Mr. Walker was to be	
19	Reynolds-2	Property Receipts	19	involved and was representing himself pro	
20	Reynolds-3	Warrant	20	se, I did send a notice to Mr. Walker with	
21	Reynolds-4	Sworn Statement Of J. Walker	21	regards to today's deposition and evidently	
22		129	22	he obviously he appeared.	
23		-----	23	ATTORNEY GONZALES: Okay. I	
24			24	would just ask moving forward that any	

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	Page 6		Page 8
1	communication with any of the parties that	1	Q. Just briefly what were some of your -- what
2	the other parties be notified of those	2	were some of your duties in the NFU?
3	communications.	3	A. We would surveil drug dealers, we would
4	ATTORNEY PILEGGI: And I believe	4	arrest drug dealers, conduct search warrants, we
5	I did. I will look on a break.	5	would do buys.
6	BY ATTORNEY PILEGGI:	6	Q. Am I correct that you were more long-term
7	Q. Ready to begin?	7	investigations as opposed to perhaps those in the
8	A. Sure.	8	strike force that are more short-term?
9	Q. Can you state your full name for the	9	A. Correct. We did long term as well as short
10	record, please.	10	term investigations there.
11	A. Police Officer Brian Reynolds,	11	Q. Okay.
12	R-E-Y-N-O-L-D-S, badge 4268.	12	Am I correct in the majority of your time in
13	Q. And you're a Philadelphia police officer,	13	the NFU you worked with Jeffrey Walker?
14	correct?	14	A. Somewhat, yes.
15	A. Yes.	15	Q. When you say somewhat, what do you mean?
16	Q. And how long have you been a Philadelphia	16	A. I worked with him.
17	police officer?	17	Q. Well, he was your partner, correct?
18	A. 28 years next month.	18	A. There was a group of us that worked
19	Q. Right now what are your duties?	19	together, yes.
20	A. I'm assigned to the traffic district	20	Q. Okay.
21	administrative duties.	21	A. He worked alongside myself and Officer
22	Q. How long have you been in traffic?	22	Luciatello (ph).
23	A. 2012 with a year off and then I was	23	Q. You mentioned Officer Luciatello. Do you
24	reassigned back there.	24	know when he came into the NFU?
	Page 7		Page 9
1	Q. In 2013?	1	A. I do not.
2	A. 2015 I believe it was that I was reassigned	2	Q. Did you work with Officer Walker, former
3	back there.	3	Officer Walker, up until 2012 when you left the NFU?
4	Q. You also said you're in an administrative	4	A. He had went to a different squad prior to
5	capacity. What does that mean?	5	that. I'm not exactly sure of the time frame.
6	A. I handle paperwork that deals with sporting	6	Q. You worked with Officer Luciatello then?
7	event details. There's also as well construction	7	A. Yes.
8	details and also truck escort details.	8	Q. You also worked with an Officer Sean Kelly,
9	Q. Okay.	9	correct?
10	Just as an aside, I think I actually saw you	10	A. Correct. That's when I first went to the
11	on TV at the ESPN event of the NFL draft. Was that	11	NFU.
12	you?	12	Q. Do you know when Officer Kelly left the
13	A. NFL draft? Could've been. I did work the	13	unit?
14	draft on the Parkway, though.	14	A. I do not.
15	Q. All right.	15	Q. You also worked with an Officer Brian
16	Prior to 2012, what was your capacity as a	16	Monaghan, correct?
17	police officer?	17	A. Correct.
18	A. I was in narcotics field unit.	18	Q. Was that in 1999 until some future date?
19	Q. How long were you in the narcotics field	19	A. I'm not sure when I started to work with
20	unit? And let's just for the record, can we say	20	Officer Monaghan, but at some point I did work with
21	NFU?	21	him.
22	A. Sure.	22	Q. Okay.
23	Q. How long were you in the NFU?	23	ATTORNEY GONZALES: Hold on. Can
24	A. I'd go from like 1999 to 2012.	24	you just wait one second? I just was

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	Page 10		Page 12
1	notified by the City Law Department that an attorney would like to join.	1	my attorney.
2		2	Q. Okay.
3	THE COURT REPORTER: Are we going off the record?	3	Do you recall what you reviewed?
4		4	A. We reviewed what I did; my part of the
5	ATTORNEY GONZALES: We are going off the record so I can call him and have him join.	5	investigation.
6		6	Q. Was that the 48?
7	(At this time, a short break was taken.)	7	A. It would be the PARS report that my
8		8	attorney showed me.
9	BY ATTORNEY FILEGGI:	9	Q. Did you review any property receipts?
10		10	A. Did not.
11	Q. Officer Reynolds, let's go back to 2000.	11	Q. All right.
12	Do you recall who was in the NFU squad at that time?	12	Pursuant to your review of the PARS report,
13	What other officers?	13	after you reviewed that, did that refresh your
14	A. I know it was Officer Kelly, Officer	14	recollection as to what your role was in that
15	Monaghan, Walker may have been there. I'm not	15	arrest?
16	exactly sure of the other officers. Not sure if it	16	A. Yes.
17	was Brad Mitchell, Jimmy Johnson.	17	Q. Okay.
18	Q. Who was your supervising officer at that time in 2000?	18	I am going to give you an opportunity, so
19		19	let's do that now, based on your review and based on
20	A. That would have been Sergeant Gessner, I	20	your recollection of what happened, what happened?
21	believe, and Corporal Sinclaire.	21	A. There was some observations that were made
22	Q. Okay.	22	of Torain at 56th and Master. He was then followed
23	Are you aware, I believe Sergeant Gessner is deceased; is that correct?	23	over to a house on Conestoga Street.
24		24	Q. Let me stop you and ask some questions.
	Page 11		Page 13
1	A. I did hear that.	1	You said there were some observations made?
2	Q. Okay.	2	ATTORNEY GONZALES: Do you want
3	Corporal Sinclaire, is he still with the	3	him to answer your first question before
4	department?	4	you interrupt him and ask the second
5	A. No.	5	question or --
6	Q. Do you know when he retired?	6	ATTORNEY FILEGGI: I want to ask
7	A. No.	7	him as we go along because I want to have a
8	Q. Any other supervising officers? I	8	full record and I want to make sure that he
9	understand there was a sergeant, a corporal, um --	9	has every opportunity to testify.
10	A. We had a lieutenant. I don't remember who	10	So, yes, I do want to ask questions as we
11	the lieutenant was.	11	go along.
12	Q. Okay.	12	BY ATTORNEY FILEGGI:
13	A. We also had a captain. I don't remember	13	Q. You said there were observations made. Who
14	who that was.	14	made the observations?
15	Q. Okay. All right.	15	A. Officers Kelly and Monaghan. They were
16	So I am going to -- at least the next set of	16	conducting surveillance on the 5600 of Master
17	questions I want to keep it to 2000, the early part	17	Street.
18	of your tenure in the NFU.	18	Q. Now, had there been -- prior to those
19	Do you recall the Kareem Torain grab which	19	observations, was there any information provided by
20	you're here to testify about today?	20	anyone that there was potential drug sales from
21	A. I read the paperwork on it, yes.	21	those units? It was three units, correct?
22	Q. When was the last time you were able to	22	A. Correct. You'd have to talk to Officer
23	review the paperwork?	23	Monaghan. I believe he received some information
24	A. Just before we got here I went over it with	24	about that. He was the assigned investigator.

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<p style="text-align: right;">Page 14</p> <p>1 Q. Do you know, and this is based on your 2 review, do you know where he received that 3 information?</p> <p>4 A. I do not. I did not review that part of 5 it.</p> <p>6 Q. Would it refresh your recollection if I 7 told you that pursuant to what Officer Monaghan 8 testified to and based on what the PARS report said, 9 a concerned citizen provided information about those 10 three houses?</p> <p>11 A. If that's what it says, I believe you.</p> <p>12 Q. Okay.</p> <p>13 Did you have any discussions with Officer 14 Monaghan with respect to that concerned citizen?</p> <p>15 A. I did not.</p> <p>16 Q. What exactly does that mean? A concerned 17 citizen.</p> <p>18 A. It means a concerned citizen gave him 19 information about drug sales that were occurring at 20 5600 Master Street.</p> <p>21 Q. And with respect to when a concerned 22 citizen gives you information, does a police officer 23 have responsibility to record that information in 24 any way?</p>	<p style="text-align: right;">Page 16</p> <p>1 that for a fact, no.</p> <p>2 ATTORNEY PILEGGI: Okay.</p> <p>3 ATTORNEY GONZALES: I have an 4 extra copy of the PARS report. Is it okay 5 if I hand that to the Officer?</p> <p>6 ATTORNEY PILEGGI: Sure. Well, 7 let's make sure we have the same report.</p> <p>8 ATTORNEY GONZALES: Sure.</p> <p>9 ATTORNEY PILEGGI: Well, actually 10 let's do one better. I'm going to -- we 11 will mark this. Let's mark this as 12 Reynolds-1.</p> <p>13 (At this time, a document was 14 marked for identification as Reynolds-1.)</p> <p>15 BY ATTORNEY PILEGGI:</p> <p>16 Q. Officer, I'm showing you what's been marked 17 as Reynolds-1 for identification. Do you know what 18 that is?</p> <p>19 A. Yes, it's a search warrant.</p> <p>20 Q. And a search warrant specifically with 21 regards to the three units that were being 22 surveilled by your team?</p> <p>23 A. By Officers Monaghan and Kelly, yes. It 24 actually doesn't say a concerned citizen. It says a</p>
<p style="text-align: right;">Page 15</p> <p>1 A. He probably wrote it down, I'm sure. It's 2 in his report.</p> <p>3 Q. Would you have to identify that concerned 4 citizen to one of the supervisors or other police 5 officers involved in the investigation?</p> <p>6 A. No, that concerned citizen probably doesn't 7 want to be identified. That's why it is just a 8 concerned citizen.</p> <p>9 Q. So the concerned citizen gave information 10 to Officer Monaghan, correct?</p> <p>11 A. Correct. If that's what the report says, 12 yes.</p> <p>13 Q. Do you know if the concerned citizen also 14 gave information to Officer Kelly?</p> <p>15 A. They worked together, so I'm sure Kelly was 16 there also for it.</p> <p>17 ATTORNEY GONZALES: Well, 18 objection --</p> <p>19 THE WITNESS: Can I see the 20 report? That would help me out.</p> <p>21 ATTORNEY GONZALES: Sure. But 22 answer his question. He wants to know if 23 you know that today.</p> <p>24 THE WITNESS: Oh, I don't know</p>	<p style="text-align: right;">Page 17</p> <p>1 confidential source. As well as Officers Ronald 2 Cain and Joseph Gaglielmucci.</p> <p>3 Q. Okay.</p> <p>4 So what exactly is a confidential source?</p> <p>5 A. It's a person that wants to remain 6 confidential that provides police with information.</p> <p>7 Q. How does a confidential source and a 8 concerned citizen differ, if any?</p> <p>9 A. They really don't. They are basically the 10 same. One could be a concerned citizen. To me this 11 would mean that Officer Monaghan had used this 12 confidential source before for other information.</p> <p>13 That's why he said confidential source.</p> <p>14 Q. Now, am I correct that Officer Monaghan was 15 relatively new to your NEU team at that time in 16 2000?</p> <p>17 A. What is this -- if you're referring to 18 this, this is 2001, I believe. That's what it says.</p> <p>19 Q. 2001?</p> <p>20 A. 2001 is the year. Doesn't that say 2001?</p> <p>21 Q. So I'm asking you --</p> <p>22 A. I don't know how long he was with my team 23 at that point.</p> <p>24 Q. Okay.</p>

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	Page 18		Page 20
1	And by the way, just for the record, it's	1	ATTORNEY GONZALES: Objection.
2	actually January of 2001, right?	2	That's not what this says, but is that what
3	A. Correct.	3	you're asking?
4	Q. Okay.	4	ATTORNEY PILEGGI: Yeah.
5	So, a source and a confidential -- sorry a	5	ATTORNEY GONZALES: Because this
6	confidential source and a concerned citizen could be	6	doesn't say that he got the information
7	the same and it could differ?	7	from the confidential source and then went
8	A. It could differ, yes.	8	to the officers. It just says he obtained
9	Q. Could you use a confidential -- strike	9	the information from a confidential source
10	that.	10	and the officers.
11	Could you use a concerned citizen more than	11	ATTORNEY PILEGGI: Okay.
12	once?	12	ATTORNEY GONZALES: So your
13	A. Sure. If they continue to call you with	13	question is different. Under what
14	information, yes.	14	circumstance would you get information from
15	Q. Okay.	15	a confidential source --
16	Is that how it works? They call you?	16	ATTORNEY PILEGGI: Okay.
17	A. They would call the Officer that they're	17	ATTORNEY GONZALES: You know what
18	dealing with.	18	I mean?
19	Q. Okay.	19	ATTORNEY PILEGGI: Fair enough.
20	Now it also says in here, am I correct, and	20	BY ATTORNEY PILEGGI:
21	I am going to read it. It says Monaghan 6061; that	21	Q. Do you know with any of your discussions
22	is Officer Brian Monaghan, correct?	22	with Monaghan or even reading this report, why
23	A. Yes.	23	Monaghan got this detailed information from the
24	Q. All right.	24	sources as well as evidently additional information
	Page 19		Page 21
1	Received detailed information from a	1	from these particular police officers?
2	confidential source and 19th District police	2	ATTORNEY GONZALES: Objection to
3	officers, Police Officer Ronald Cain 4959 and Police	3	the form. You can answer.
4	Officer Joseph Goglielmucci 2460; is that correct?	4	THE WITNESS: I do not.
5	A. Yes.	5	BY ATTORNEY PILEGGI:
6	Q. Now, how does that work? I mean, it says	6	Q. Okay.
7	that there was detailed information from the	7	Do you recall speaking with Officer Cain and
8	confidential source. Yet they also, it appears from	8	or Officer Goglielmucci with reference to this
9	this affidavit, that they also -- Monaghan also	9	particular job?
10	talked to Police Officers Cain and Goglielmucci.	10	A. No.
11	ATTORNEY GONZALES: Objection.	11	Q. Were they on your team at this time?
12	What do you mean by how does this work?	12	A. They were assigned to the 19th District, so
13	The witness already testified this was not	13	no.
14	him. He wasn't involved with this. He	14	Q. So they were not with the NFU?
15	also testified he doesn't remember talking	15	A. They were not.
16	to Monaghan about this. So what do you	16	Q. But you utilized district police officers
17	mean by how does this work?	17	on other jobs, correct?
18	ATTORNEY PILEGGI: Okay.	18	A. What do you mean by utilized? I don't
19	BY ATTORNEY PILEGGI:	19	understand that question.
20	Q. In other words, why would a police officer,	20	Q. You used them to help you with searches --
21	if he already had detailed information from a	21	A. They provide --
22	confidential source or a concerned citizen, why	22	Q. To make buys?
23	would that police officer go and also talk to other	23	A. No, they don't make buys.
24	police officers?	24	Q. But you used them if you were going to

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<p style="text-align: right;">Page 22</p> <p>1 search a house, for instance, correct?</p> <p>2 A. They could be called in for back up</p> <p>3 capacity, yes.</p> <p>4 Q. And they could be called in to make arrests</p> <p>5 of potential buyers, right?</p> <p>6 A. If they were there assisting in back up</p> <p>7 capacity, then, yes, they could make arrests.</p> <p>8 Q. Do you know if these officers were there in</p> <p>9 a back up capacity?</p> <p>10 A. I do not.</p> <p>11 ATTORNEY GONZALES: When you say</p> <p>12 there, what are you referring to because in</p> <p>13 this job there's, like, multiple theres.</p> <p>14 ATTORNEY PILEGGI: Yeah. Any of</p> <p>15 the take downs that were eventually made,</p> <p>16 arrests that were eventually made in the</p> <p>17 5600 block of Master Street and there was</p> <p>18 three units in particular.</p> <p>19 BY ATTORNEY PILEGGI:</p> <p>20 Q. Were these officers utilized on any of the</p> <p>21 searchs, any of the arrests, et cetera?</p> <p>22 A. I have no idea.</p> <p>23 ATTORNEY GONZALES: I was going</p> <p>24 to object to the form but let him answer</p>	<p style="text-align: right;">Page 24</p> <p>1 it. I was in a back-up capacity to these</p> <p>2 officers that were doing the surveillance.</p> <p>3 BY ATTORNEY PILEGGI:</p> <p>4 Q. What does that mean?</p> <p>5 A. I was there on scene in the area in a</p> <p>6 back-up capacity. If these officers needed anyone</p> <p>7 followed, I would do that. If they needed buyers</p> <p>8 stopped, I would participate in that.</p> <p>9 Q. Okay.</p> <p>10 Do you recall stopping any buyers in this</p> <p>11 case?</p> <p>12 A. I do not.</p> <p>13 Q. Do you recall following anyone in this</p> <p>14 case?</p> <p>15 A. I do.</p> <p>16 Q. Okay.</p> <p>17 Well let's do this, it appears that based on</p> <p>18 this affidavit that it was three days of</p> <p>19 surveillance; does that sound right?</p> <p>20 A. You got the 2nd, the 3rd, and the 4th.</p> <p>21 Q. Three days, right?</p> <p>22 A. Yes.</p> <p>23 Q. Okay.</p> <p>24 And on the third day, they obtained search</p>
<p style="text-align: right;">Page 23</p> <p>1 and he did.</p> <p>2 ATTORNEY PILEGGI: Okay.</p> <p>3 BY ATTORNEY PILEGGI:</p> <p>4 Q. So reading on it says -- I'm skipping a</p> <p>5 little bit. It says that there was three houses,</p> <p>6 5609 West Master which was an abandoned property,</p> <p>7 5607 and 5605.</p> <p>8 5607 and 5605 West Master were used as</p> <p>9 storage houses; is that fair enough?</p> <p>10 A. That's what it says.</p> <p>11 Q. Okay.</p> <p>12 Do you recall, your personal, do you recall</p> <p>13 doing any surveillance on those houses during this</p> <p>14 period of time?</p> <p>15 A. I did not do surveillance.</p> <p>16 Q. Okay.</p> <p>17 But you would have participated, am I</p> <p>18 correct? I understand you don't recall</p> <p>19 specifically, but normally you would participate in</p> <p>20 the surveillance of a job this big?</p> <p>21 ATTORNEY GONZALES: Objection. I</p> <p>22 don't know what you mean by that, but if</p> <p>23 you understand it you can answer.</p> <p>24 THE WITNESS: I don't understand</p>	<p style="text-align: right;">Page 25</p> <p>1 warrants. Other members of your team obtained</p> <p>2 search warrants and eventually searched and arrested</p> <p>3 individuals out of these three units, correct?</p> <p>4 A. Correct. Officer Monaghan would obtain the</p> <p>5 search warrants. He was the assigned investigator.</p> <p>6 Q. When you say assigned investigator, can you</p> <p>7 explain that?</p> <p>8 A. It is his investigation.</p> <p>9 Q. Who assigned him?</p> <p>10 A. He assigned himself. He got the</p> <p>11 information so he was the assigned investigator.</p> <p>12 Q. Okay.</p> <p>13 And that would -- you would kind of</p> <p>14 alternate with the different members of your team as</p> <p>15 to who the assigned investigator would be, correct?</p> <p>16 A. Usually it would go whoever the officer who</p> <p>17 got the information would be the assigned or whoever</p> <p>18 made observations of the job would be the assigned.</p> <p>19 Q. Okay.</p> <p>20 So it appears, again, from this paperwork</p> <p>21 that Officer Monaghan, who was the assigned, and</p> <p>22 Officer Kelly were the surveilling officers, the</p> <p>23 eyes?</p> <p>24 A. Yes.</p>

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1 Q.	You were in a back-up capacity, right?	1	that.
2 A.	Yes.	2	ATTORNEY GONZALES: Yes, you did.
3 Q.	Officer Walker was there. He was in what	3	ATTORNEY PILEGGI: I said that
4 capacity; do you recall?		4	they provided information.
5 A.	I do not. Probably a back-up capacity.	5	ATTORNEY GONZALES: But then you
6 Q.	Okay.	6	said were they all part of the team, so
7	And you usually were partnered up with	7	objection.
8 Officer Walker at that time, right?		8 BY ATTORNEY PILEGGI:	
9 A.	It all depends. We would take separate	9 Q.	So let me, just for clarification, part of
10 cars if we needed to. It all depends.		10	the actual team that worked this particular job was
11 Q.	It also appears from this paperwork that	11	Officer Monaghan the assigned, right?
12 Officer Mitchell was also involved in making a buy		12 A.	Correct.
13 or at least handling a CI; is that --- I am referring		13 Q.	Kelly, Sean Kelly?
14 to the second page. This is down the second		14 A.	Correct.
15 paragraph from the bottom.		15 Q.	He was in a surveillance capacity?
16 A.	On the second page? No, I see the fourth	16 A.	They were both together in a van.
17 paragraph down where Mitchell went in to make a buy.		17 Q.	Okay.
18 Q.	Right.	18	Officer Walker, and you don't know what his
19 A.	He didn't use an informant. He made the	19	role was, right?
20 buy himself.		20 A.	Do not.
21 Q.	So Mitchell was there. You were there?	21 Q.	Okay.
22 A.	I was not there for the buy. Mitchell was	22	Yourself?
23 there for the buy.		23 A.	Correct.
24 Q.	When I say there, you were part of this	24 Q.	Officer Mitchell who made a buy?
	Page 27		Page 29
1 job?		1 A.	Correct.
2 A.	Correct.	2 Q.	Okay.
3 Q.	Mitchell was part of this job?	3	Do you recall anyone else?
4 A.	Correct.	4 A.	I do not.
5 Q.	Monaghan?	5 Q.	All right.
6 A.	Correct.	6	Now, do you remember any of the officers
7 Q.	And Kelly?	7	that were on the search team?
8 A.	Correct.	8 A.	I do not.
9 Q.	And it looks like Cain and Goglielmucci,	9 Q.	What district was this?
10 although you don't know if they were present, they		10 A.	19th District.
11 at some point provided information to Officer		11 Q.	All right.
12 Monaghan?		12	Where would they normally, and I understand
13 A.	Yes.	13	you don't know who exactly was there, normally would
14 Q.	Anyone else you recall being part of that	14	it be officers from the 19th District that would
15 team?		15	assist in or from whatever district would assist in
16	ATTORNEY GONZALES: Objection.	16	the searches of units or would it be strike force
17 BY ATTORNEY PILEGGI:		17	officers or both?
18 Q.	Sorry. Officer Walker as well?	18 A.	I know strike force was out there on the
19	ATTORNEY GONZALES: Hold on.	19	4th with us. Then it would be other members
20 Hold on. Objection. No one --- and this		20	probably of the narcotics field unit.
21 witness never said that Cain and		21 Q.	Who were the strike force officers you
22 Goglielmucci were part of any team		22	recall being there on the 4th?
23 whatsoever.		23 A.	I have no idea.
24	ATTORNEY PILEGGI: I didn't say	24 Q.	How do you remember they were there?

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<p>Page 30</p> <p>1 A. Because it says when we went to stop Torain 2 at 61st and Nassau with the aid of uniformed 3 officers.</p> <p>4 Q. That wasn't at 56th and Master?</p> <p>5 A. It was not.</p> <p>6 Q. Far from 55th and Master, correct?</p> <p>7 A. It was at 61st and Nassau.</p> <p>8 Q. How far is that?</p> <p>9 A. Not exactly sure each block.</p> <p>10 Q. How far?</p> <p>11 A. I'm not sure. It's not that far.</p> <p>12 Q. Mile? Two miles?</p> <p>13 A. I'm not even sure.</p> <p>14 Q. Okay.</p> <p>15 So strike force officers assisted you in 16 arresting Mr. Torain?</p> <p>17 A. Correct. With the take down, yes, stopping 18 the vehicle.</p> <p>19 Q. Okay.</p> <p>20 Do you know how they arrived?</p> <p>21 A. They were probably notified by one of our 22 supervisors to see if they could come down and 23 assist us or maybe Officer Monaghan notified them. 24 I'm not exactly sure.</p>	<p>Page 32</p> <p>1 Q. Do you recall making any arrests of any 2 potential buyers or?</p> <p>3 A. Not that I recall. It's not in the 4 paperwork anywhere.</p> <p>5 Q. Did you arrest anyone other than Torain in 6 the job?</p> <p>7 A. I think I was involved in another arrest of 8 another individual at 56th and Market.</p> <p>9 Q. Okay.</p> <p>10 Was that before or after the Torain arrest?</p> <p>11 A. Give me a second. I have to look and try 12 to find it. The last paragraph of page 3, it says 13 myself and Walker stopped a Breeze, which is a 14 vehicle, at 56th and Market.</p> <p>15 Q. Who did you place under arrest? It doesn't 16 say.</p> <p>17 A. I can't really see it.</p> <p>18 Q. Is there any reason that that doesn't say?</p> <p>19 A. No, but I think it says it in this report 20 here. If you let me see it.</p> <p>21 ATTORNEY GONZALES: He is 22 referring to the PARS report which I have 23 and am showing the witness.</p> <p>24 THE WITNESS: It says Hodge was</p>
<p>Page 31</p> <p>1 Q. You said assist us. Who arrested 2 Mr. Torain?</p> <p>3 A. I did.</p> <p>4 Q. Was Officer Monaghan with you?</p> <p>5 A. No.</p> <p>6 Q. Well, it was you that arrested him, 7 correct? Other than yourself and strike force 8 officers, was there any other officer from this NFU 9 team who was working this job with you?</p> <p>10 A. Walker could have been there. I'm not 100 11 percent sure though.</p> <p>12 Q. Okay. All right.</p> <p>13 Did you at any time participate in any of 14 the surveillances over the three-day period?</p> <p>15 A. No, just the observations that I made on 16 the 4th.</p> <p>17 Q. Okay.</p> <p>18 Do you recall where you were situated when 19 surveillance was being conducted at those three 20 units.</p> <p>21 A. I do not.</p> <p>22 Q. I mean, were you near the scene?</p> <p>23 A. Probably, yeah. I don't remember exactly 24 where I was though. It's 20 years ago.</p>	<p>Page 33</p> <p>1 placed under arrest. Recovered from him 2 was five bags of marijuana.</p> <p>3 BY ATTORNEY PILEGGI:</p> <p>4 Q. Now, do you know any reason why it's not in 5 the Affidavit of Probable Cause?</p> <p>6 A. I'm sure it is. You probably got copies 7 and it was cut off. It would definitely be in the 8 Affidavit of Probable Cause. You got a bad copy.</p> <p>9 Q. I'm looking at it and I see Reynolds badge 10 number 4268 --</p> <p>11 A. You don't even see Reynolds. The only 12 thing you see is O-L-D-S 4268.</p> <p>13 Q. All right. Fair enough.</p> <p>14 A. It's obvious whoever made the copies didn't 15 make them properly.</p> <p>16 Q. All right.</p> <p>17 Now let's do this, am I correct that you 18 were aware that these on all three days, January 2nd 19 2001, January 3rd 2001, and January 4th 2001, 20 Officer Monaghan and Officer Kelly, the surveilling 21 officers, filmed several buys being made either from 22 those units or close to those units?</p> <p>23 A. I was aware of that.</p> <p>24 Q. Okay.</p>

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<p style="text-align: right;">Page 34</p> <p>1 A. It just says that a majority of the 2 observations on 1/3 were videotaped by Kelly and 3 Monaghan. It doesn't mention the 2nd or the 4th. 4 It just says on 1/3.</p> <p>5 Q. Okay.</p> <p>6 Do you recall how many of those buyers were 7 arrested?</p> <p>8 A. I do not.</p> <p>9 Q. Well, you didn't make any arrests, correct?</p> <p>10 A. I did not.</p> <p>11 Q. Was anyone else in a back-up capacity with 12 yourself?</p> <p>13 A. I'm sure there was.</p> <p>14 Q. Who would it be?</p> <p>15 A. I have no idea.</p> <p>16 Q. Okay.</p> <p>17 Well we have Officer Monaghan and Officer 18 Kelly at the scene making surveillance, correct?</p> <p>19 A. Correct.</p> <p>20 Q. You're in a back-up capacity. The only 21 other police officers are Officer Walker and Officer 22 Mitchell.</p> <p>23 A. Mitchell wouldn't have been stopping people 24 because he was going to make the buy. I'm sure</p>	<p style="text-align: right;">Page 36</p> <p>1 Q. What would they be participating in? 2 A. Exactly. If they don't do nothing or stop 3 anybody or arrest anybody, then there's no need to 4 mention them.</p> <p>5 Q. You're saying you don't recall anyone 6 making any arrests of any buyers?</p> <p>7 A. I do not.</p> <p>8 Q. If they did, it would be in some kind of a 9 report?</p> <p>10 A. It would.</p> <p>11 Q. Not only the person arrested, but also the 12 arresting officer?</p> <p>13 A. Correct.</p> <p>14 Q. And all the details of how that arrest came 15 about?</p> <p>16 A. Yes.</p> <p>17 Q. I would submit to you that there is no 18 other officers in this Affidavit of Probable Cause 19 or also in the PARS Report that made any other 20 arrest as a back-up capacity other than yourself.</p> <p>21 A. Correct.</p> <p>22 Q. And Officer Walker with respect to 23 Mr. Hodge.</p> <p>24 A. Correct.</p>
<p style="text-align: right;">Page 35</p> <p>1 there were other members of our unit out there, 2 though. I don't know who they are, though.</p> <p>3 Q. All right.</p> <p>4 Would their badge number -- wouldn't they be 5 reported on the warrants that were issued?</p> <p>6 A. Sure. Whoever participated in the searches 7 of those units their badge numbers would be on 8 there, yes.</p> <p>9 Q. Okay.</p> <p>10 So would there be any documentation of who 11 the other officers were in a back-up capacity in any 12 of the paperwork that was completed in this job?</p> <p>13 A. I don't believe so, no.</p> <p>14 Q. Wouldn't that be necessary?</p> <p>15 A. For what?</p> <p>16 Q. For court.</p> <p>17 A. If they did -- if they made an arrest, made 18 observations, then it would all be documented in the 19 police report.</p> <p>20 Q. Okay.</p> <p>21 A. If they're out there and they participate 22 and -- if they're out there participating and they 23 don't make an arrest or make any observations then 24 why would their name be mentioned in a report?</p>	<p style="text-align: right;">Page 37</p> <p>1 Q. Okay.</p> <p>2 So --</p> <p>3 A. But if -- I did see one thing. I believe I 4 seen it in here. Not exactly sure if I could breeze 5 through this again. I believe it does mention an 6 Officer Fitzgerald and Francis which is on the third 7 page second to the last paragraph all the way down. 8 So they also arrested someone.</p> <p>9 Q. I see that. Officer Fitzgerald 2228 and 10 Officer Francis 3981?</p> <p>11 A. Yeah. So they were also out there that day 12 as a back-up capacity.</p> <p>13 Q. It looks like they made a recovery?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. All right. Fair enough.</p> <p>16 Now let's go back to the information in the 17 first paragraph. This is the information that 18 Monaghan obtained from this confidential source.</p> <p>19 The source told him that the narcotics are 20 being sold out of these properties, at least out of 21 5605 Master Street, and that the participants in 22 this drug ring is an Al and Pud; do you see that?</p> <p>23 A. Correct.</p> <p>24 Q. Do you know who Al or Pud was?</p>

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1 A.	I do not.	1 with a lot of confidential sources and a lot of	
2 Q.	Okay.	2 confidential informants. Is it your testimony that	
3	Just so we are clear, Al and Pud are	3 you're not sure if that's a Philadelphia Police	
4	participants in the drug ring. They're not	4 policy?	
5	individuals that gave the information, correct?	5 ATTORNEY GONZALES: Objection.	
6 A.	Correct. That's what it says.	6 He testified so you're asking him to answer	
7 Q.	Explain to me what is the difference	7 the same question again, which is asked and	
8	between a confidential source and a confidential	8 answered, that he does not recall if 20	
9 informant?		9 years ago there was a policy on	
10 A.	Confidential informant is one that signs up	10 confidential sources.	
11	through the police department. They know the	11 He's already answered that question.	
12	identity of that person and it's to remain	12 BY ATTORNEY PILEGGI:	
13	confidential. They also are paid for doing drug	13 Q. Is there a policy now?	
14 buys or information.		14 A. On confidential sources?	
15 Q.	Okay.	15 Q. Yes.	
16	And a confidential informant can participate	16 A. I don't know. I'm not in narcotics	
17 in the investigation itself making buys or whatever?		17 anymore.	
18 A.	Correct.	18 Q. Was there a policy when you left in 2012?	
19 Q.	Okay.	19 A. Not sure. If there was and you have it, I	
20	Can a confidential source participate in the	20 would like to see it.	
21 investigation in any way?		21 Q. Okay.	
22 A.	No. Usually a confidential source is just	22 How about confidential -- sorry. Strike	
23 providing information.		23 that.	
24 Q.	You say usually. Has a confidential source	24 How about concerned citizens? Are they	
	Page 39		Page 41
1	ever been allowed to participate in an	1 allowed to participate in an investigation in any	
2 investigation?		2 way?	
3 A.	No, as I stated, they just provide the	3 A. No, they're basically just a person that	
4 information about the investigation.		4 provides information.	
5 Q.	Why can't a confidential source	5 Q. What's the authority on that?	
6 participate?		6 A. What do you mean?	
7 A.	Because they are not signed up through the	7 Q. Is that a policy or procedure?	
8 Philadelphia police department.		8 A. It's just someone that -- there is no	
9 Q.	So?	9 policy on that either. They are just providing you	
10 A.	So what?	10 with information.	
11	They have to be signed up in order to	11 Q. Was that the way you were trained? I mean,	
12 participate and make a buy using that confidential		12 what are you basing this on? You said we usually	
13 informant. Sources usually just provide information		13 don't do this. We usually don't do that. I asked	
14 only.		14 you if it was pursuant to a policy and you don't	
15 Q.	Is that pursuant to what? A law? Or a	15 know.	
16 policy?		16 Why are you answering now that confidential	
17 A.	That is just the way it's done if you're in	17 sources are not allowed to participate? What are	
18 narcotics. Back then there was no policy on		18 you basing that on?	
19 confidential sources.		19 ATTORNEY GONZALES: Objection.	
20 Q.	Are you sure about that?	20 Now that's argumentative. Walking down the	
21 A.	I'm not sure, but if you show me something,	21 street a person can come up to a police	
22 then I'll be able to take a look at it.		22 officer and say, hey, I saw something	
23 Q.	Well, you're a police officer. You've been	23 happen around the corner. You don't need a	
24 a police officer for 28 years. You participated		24 written policy that says a police officer	

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<p>1 needs to do anything with respect to that 2 information. It's a police officer. They 3 can use common sense. 4 This witness has already answered about his 5 memory and knowledge about the use of 6 confidential sources 20 years ago in 2001 7 when this incident occurred. 8 What else do you want? 9 ATTORNEY PILEGGI: I want to know 10 what he is basing his knowledge on. 11 ATTORNEY GONZALES: He doesn't 12 have knowledge. He doesn't recall because 13 it was 20 years ago. 14 ATTORNEY PILEGGI: He already 15 testified that a confidential source is not 16 allowed to participate in an investigation. 17 I am asking him what he is basing that 18 answer on. What he is basing that 19 knowledge on. Is it experience? Is it a 20 policy? Is it a law? 21 THE WITNESS: It's my experience 22 that confidential sources and concerned 23 citizen are only used for information. 24 They do not participate in buys. They do</p>	<p>Page 42</p> <p>1 A. No, you're not allowed to. Uniformed 2 officers are not allowed. 3 Q. So you could use a source as a district 4 officer. You could use a concerned citizen, but you 5 could not use a confidential informant? 6 A. Correct. 7 Q. Because they're actually allowed to 8 participate in investigations? 9 A. Usually an informant would make buys for 10 you, yes. 11 Q. Okay. 12 And do you recall ever using yourself, 13 personally, ever using a concerned citizen in any 14 case? 15 A. I probably have, yes. I don't remember 16 what cases, but I'm sure I have. 17 Q. Okay. 18 Did you ever allow those concerned citizens 19 in those cases that you recall participate in the 20 investigation in any way? 21 A. What do you mean by participating? As I 22 stated, they usually just give the information and 23 that's it. 24 Q. I know.</p>
<p>1 not participate in taking people down for 2 you. 3 BY ATTORNEY PILEGGI: 4 Q. And is that something that you recall 5 learning in the police academy? 6 A. No, that's basically what we learned going 7 to the Narcotics Field Unit. 8 Q. Okay. 9 And let me ask you, before you were in the 10 NFU, you were in the district? You worked in the 11 district? 12 A. I was, I was in the 16th District. 13 Q. In the 16th District did you ever use 14 condition sources? You personally? 15 A. I don't remember if I did or not. 16 Q. Okay. 17 Could you as a district police officer? 18 A. Sure. They could -- like Mr. Gonzales 19 said, anyone can give you information. 20 Q. Okay. 21 What if it -- when you were in the 16th 22 District, did you ever use confidential informants? 23 A. I did not. Not to make buys. 24 Q. Were you allowed?</p>	<p>Page 43</p> <p>1 Other than giving the information, did you 2 ever use a concerned citizen to participate other 3 than giving you information? Make calls? Make 4 buys? Point out people? Anything like that? 5 A. There would be times they would point out 6 people, yes. I mean, it all depends on what the 7 investigation entails and what investigation you're 8 referring to. 9 Q. Wouldn't that be participating in the 10 investigation if they pointed out what they 11 suspected was a drug dealer? 12 A. There's been times they pointed out people 13 or houses or you show them photos that you got 14 through the police photo imaging, yes. 15 Q. And based on your experience, that would 16 not be participating in a drug investigation? 17 A. They're giving you the information and 18 you're trying to verify the information that they 19 gave you. So if them pointing out a house and 20 saying, hey, that house over there is selling and 21 you do observations on it and then them saying, hey, 22 there is Jamal. He is part of that investigation. 23 If you call that participating, then, yes, that's 24 participating.</p>

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1 Q.	Okay.	1 Q.	Okay.
2	And isn't it correct that if they give you	2	Of course you didn't. All right. So let's
3 information that you have to independently go out	3 move on to your role in this.	4	ATTORNEY GONZALES: Just
4 and verify whether that information is correct or	5 providing the witness the PARS.	6	ATTORNEY PILEGGI: Sure. Why? I
5 not?	7 didn't show him.	8	ATTORNEY GONZALES: Well, the
6 A.	Correct, which we always did.	9 witness has already testified he doesn't	10 remember he would have to refer to the
7 Q.	And you're saying that if you had a	11 PARS.	12 ATTORNEY PILEGGI: I know. I
8 confidential source or concerned citizen, that you	13 gave him the Affidavit of Probable Cause.	14 I don't want the witness to see the PARS.	15 ATTORNEY GONZALES: Okay. That's
9 would bring them out to the site and say point out a	16 his right. He doesn't have to show you	17 anything. You can answer from your memory.	18 BY ATTORNEY PILEGGI:
10 house or point out Jam al and to you that is not	19 Q.	20 So, why don't you explain the circumstance	21 leading up to Mr. Torain's arrest? You made the
11 participating in an investigation?	All right.	22 arrest, correct?	23 A.
12 ATTORNEY GONZALES: Objection.	24 Q.	24 Correct.	You're not sure if Walker was with you or
13 No.			
14 ATTORNEY PILEGGI: And the			
15 objection?			
16 ATTORNEY GONZALES: Yeah, the			
17 objection is you're twisting the words.			
18 You've asked the question over and over			
19 again.			
20 You originally asked the question can you			
21 use a confidential source. Can a			
22 confidential source participate in an			
23 investigation. The Officer said no.			
24 Then you asked followup questions and tried			
	Page 47		Page 49
1	to have the Officer define IDing someone or	1	not?
2	providing additional information as	2	A.
3	participating.	3	Q.
4	Now I understand you're trying to get the	4	I'm not.
5	witness to say he was wrong when he	5	Q.
6	originally said confidential sources can't	6	All right.
7	participate in an investigation. But as	7	And you do know that there was some strike
8	the witness said, if you call that	8	force officers there. You don't know who they were?
9	participating, then I guess it's	9	A.
10	participating.	10	Correct.
11	You have asked the witness the same	11	Q.
12	question over and over again. He has	12	I'm not.
13	answered it. I don't know what else you	13	Q.
14	went. Now you're just getting	14	Do you know how many were there?
15	argumentative and repetitive.	15	A.
16	ATTORNEY PILEGGI: I just don't	16	I do not.
17	know what the source of the objection is.	17	Q.
18	Because it was unclear?	18	All right. Go ahead.
19	ATTORNEY GONZALES: A, unclear.	19	ATTORNEY GONZALES: Go ahead
20	B, asked and answered and repetitive. C,	20	what?
21	argumentative.	21	BY ATTORNEY PILEGGI:
22	22 Q.	22 Q.	Explain the details of the arrest.
23	Did you understand the question?	23	23 A.
24	I did not.	24	Based on information from him leaving the
			25 property at 55th and Hunter --
			26 Q.
			Who gave you that information?
		27 A.	Walker.
		28 Q.	Okay.
		29 A.	I then followed him out of the area with
		30	the aid of a marked unit. He was then arrested at
		31	61st and Nassau.

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<p style="text-align: right;">Page 50</p> <p>1 Q. And you're referring to the affidavit, 2 connect, to refresh your recollection?</p> <p>3 A. Actually I was going off memory from the 4 PARS with that.</p> <p>5 Q. Okay.</p> <p>6 So do you know why -- did Officer Walker 7 tell you why he wanted you to follow Mr. Torain?</p> <p>8 A. There was earlier observations of him over 9 on Master and Ithan by Officers Kelly and Monaghan 10 at which time Torain was in the green Bonneville. 11 He was followed to Conestoga Street where he went 12 inside a property, I believe it was 1621 North 13 Conestoga Street. He then exited that property and 14 went to the property on 55th and Hunter.</p> <p>15 Q. Okay.</p> <p>16 Monaghan and Kelly gave you information 17 about the green Bonneville, by the way the tag 18 number is DKC-3310, correct?</p> <p>19 A. (No response.)</p> <p>20 Q. And I'm referring to page 2 under 1/4/2000?</p> <p>21 A. Can you just tell me what paragraph because 22 I don't see the tag.</p> <p>23 Q. Where it say 1/4?</p> <p>24 A. 1/4 okay --</p>	<p style="text-align: right;">Page 52</p> <p>1 ATTORNEY GONZALES: I don't 2 understand. You're confused because of a 3 typo in a police report? What's the point 4 of the question?</p> <p>5 ATTORNEY FILEGGI: It's not a 6 police report.</p> <p>7 ATTORNEY GONZALES: What is the 8 point of that question other than to simply 9 argue with the witness? He does not 10 recall.</p> <p>11 ATTORNEY FILEGGI: Because I 12 don't know when the job was. I'm asking.</p> <p>13 ATTORNEY GONZALES: You have 14 represented this client for years. You 15 know everything about this case. You have 16 -- really, give me a break. That is 17 argumentative. It's a typo on a police 18 report.</p> <p>19 ATTORNEY FILEGGI: It's not a 20 police report. It is an affidavit.</p> <p>21 ATTORNEY GONZALES: Regardless. 22 There's a typo on an Affidavit of Probable 23 Cause.</p> <p>24 ATTORNEY FILEGGI: Well, let me</p>
<p style="text-align: right;">Page 51</p> <p>1 Q. And by the way --</p> <p>2 A. Can I answer that question first?</p> <p>3 Q. Yeah. Sure.</p> <p>4 A. I see it over here, DKC-3310, yes.</p> <p>5 Q. Okay.</p> <p>6 It says 1/4/00. That's January 4, 2000?</p> <p>7 A. That's correct. That says 2000.</p> <p>8 Q. You had mentioned 2001. In fact throughout 9 the report it says 2001. I'm a little confused.</p> <p>10 A. I didn't prepare the report.</p> <p>11 Q. I understand.</p> <p>12 This is not a report. This is an affidavit.</p> <p>13 This goes to the court, correct?</p> <p>14 A. Correct.</p> <p>15 Q. It goes to an Magistrate or a Judge who 16 will determine whether there's probable cause to 17 make arrest or to search houses, right?</p> <p>18 A. It does.</p> <p>19 Q. Okay.</p> <p>20 You would agree -- well, I'm a little 21 confused as to when this job actually happened.</p> <p>22 Now, you mentioned 2001 and that was probably based 23 on your review of the PARS report, but this report 24 says 2000.</p>	<p style="text-align: right;">Page 53</p> <p>1 just point out that --</p> <p>2 ATTORNEY GONZALES: That this 3 witness, by the way, that this witness did 4 not prepare.</p> <p>5 ATTORNEY FILEGGI: I understand 6 that. I agree with that. I didn't say he 7 did.</p> <p>8 BY ATTORNEY FILEGGI:</p> <p>9 Q. I'm just saying on page 1 it keeps saying 10 2001. Then on every other page it says 2000. I'm 11 just trying to determine when this job was.</p> <p>12 A. I don't --</p> <p>13 Q. And the timing is important. So do you 14 know based on any review of the documents that you 15 reviewed for today's deposition or recollect when 16 exactly whether this was in 2000 or 2001?</p> <p>17 A. I believe it was 2001.</p> <p>18 Q. Why do you say that?</p> <p>19 A. Because if you go back to the first page it 20 has report date as 1/4/01.</p> <p>21 Q. Okay.</p> <p>22 ATTORNEY GONZALES: I also want 23 to point out for the record that at the 24 preliminary hearing there was testimony</p>

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1 from Officer Monaghan and -- 2 ATTORNEY PILEGGI: Are you 3 testifying? 4 ATTORNEY GONZALES: No, I'm 5 pointing out for the record -- 6 ATTORNEY PILEGGI: He didn't do 7 the report. I'm not arguing with him. 8 ATTORNEY GONZALES: You're making 9 a mountain out of nothing. 10 ATTORNEY PILEGGI: No, I'm not. 11 ATTORNEY GONZALES: At the 12 preliminary hearing the district attorney 13 asked -- the district attorney asked: I'd 14 like to direct your attention to January 15 6th 2001. 16 ATTORNEY PILEGGI: Okay. Maybe 17 he made a mistake. I don't know. Should 18 we question him? 19 I'm just simply pointing out that there's 20 different dates in here and I'm trying to 21 determine exactly whether it was in 2000 or 22 2001. 23 If he doesn't know, he doesn't know. The 24 report speaks for itself -- not the report;	Page 54	1 A. Correct. 2 Q. All right. 3 You don't think you gave him that date; do 4 you? 5 A. That year, you mean? 6 Q. Yeah, the date 1/4/00? 7 A. I don't believe I gave him that. 8 Q. All right. 9 A. I would hope he would know the date and the 10 year. 11 Q. All right. 12 Now, it says -- I'm going to read this and 13 I'm going to ask you some questions on this. I am 14 referring to the fourth paragraph. It looks like on 15 or in January 4th 2000 Police Officer Kelly 7126 and 16 Police Officer Monaghan set up surveillance at 56th 17 and Master Street. 18 At approximately 1:41 p.m. police observed a 19 green Bonneville, Pa tag DKC-3310, registered 20 Carolyn Gillis traveling northbound on 56th Street 21 to intersection of 56th and Master. 22 So is that the information that you got from 23 Monaghan to stop that vehicle? 24 A. No, it would be further down after they	Page 56
1 the affidavit. 2 ATTORNEY GONZALES: Right. But 3 you keep making comments like I'm confused, 4 I don't know. 5 ATTORNEY PILEGGI: Well, I am 6 confused. 7 ATTORNEY GONZALES: It is 8 argumentative. 9 ATTORNEY PILEGGI: It wasn't a 10 question. 11 BY ATTORNEY PILEGGI: 12 Q. So you think based on your reading of the 13 first page that it's 2001, right? 14 A. Correct. 15 Q. Okay. 16 However, according to the affidavit, you 17 made the arrest on January 4th 2000. Which 18 according to your attorney is a typo. 19 A. Correct. 20 Q. Okay. 21 I realize that you did not do this. 22 However, you provided information during the arrest 23 to Officer Monaghan who eventually prepared this 24 affidavit; correct?	Page 55	1 radioed. Not to stop the vehicle but to follow the 2 vehicle. 3 Q. Okay. 4 You followed the vehicle as you testified 5 previously to 1621 North Conestoga Street, correct? 6 A. Well, that was -- if I read it real quick 7 here -- it was followed back by Walker. 8 Q. To Conestoga? 9 A. To Conestoga. 10 Q. Where were you at this point? 11 A. I don't know. 12 Q. Well, do you think you were with Walker? 13 A. We were in separate cars. I know that. 14 Q. How do you know that? 15 A. Because we are out there in back-up 16 capacity. If people needed to be followed or 17 stopped, we would do it separately. 18 Q. You previously testified you don't know 19 what Walker was doing. How do you know he was in 20 back up? 21 A. He was out there in back up. 22 Q. How do you know that? 23 A. It clearly says it here in the report. 24 Q. Where does it say that?	Page 57

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<p style="text-align: right;">Page 58</p> <p>1 A. It says was followed back to 1621 North 2 Conestoga by Walker 3730.</p> <p>3 Q. If you read this report and review of the 4 PARS report prior to testifying today, wasn't Walker 5 the one that observed the Bonneville, the green 6 Bonneville, at the scene, Master Street, originally?</p> <p>7 A. I don't see that. If you show that to me, 8 I'll gladly look at it.</p> <p>9 Q. Okay.</p> <p>10 A. All right. Strike that. Strike that.</p> <p>11 Q. It is your testimony based on this report 12 that Walker followed him to Conestoga?</p> <p>13 A. Yes.</p> <p>14 Q. You previously testified that Mr. Torain 15 went into Conestoga, came out some period of time 16 later, and went down to another unit, correct?</p> <p>17 A. Correct.</p> <p>18 Q. How do you know that?</p> <p>19 A. Is that based on this reading or were you 20 involved at that point?</p> <p>21 A. Well, it says at approximately 2:00 p.m. I 22 observed Torain exit Conestoga Street 1621.</p> <p>23 Q. Okay.</p> <p>24 A. And travel westbound on Hunter in the</p>	<p style="text-align: right;">Page 60</p> <p>1 neighborhood. I would stick out like a sore thumb.</p> <p>2 Q. Correct me if I'm wrong, isn't the Master 3 Street properties a predominantly black 4 neighborhood?</p> <p>5 A. Correct.</p> <p>6 Q. Monaghan's white?</p> <p>7 A. Correct.</p> <p>8 Q. Kelly's white?</p> <p>9 A. Correct. But if they're in a surveillance 10 van they don't know they're there being watched.</p> <p>11 Q. How do you know they were in a surveillance 12 van?</p> <p>13 A. Because they videotaped it. They were in 14 what was called a survey (ph) van.</p> <p>15 Q. Is that a van provided by the police 16 department?</p> <p>17 A. It is.</p> <p>18 Q. Did you see them in that van?</p> <p>19 A. I know they were in the van.</p> <p>20 Q. How do you know?</p> <p>21 A. Because they were in the van. I seen them 22 in the van and that's how they were doing their 23 surveillance.</p> <p>24 Q. Did you actually see them go in the van?</p>
<p style="text-align: right;">Page 59</p> <p>1 Bonneville to the corner of 55th and Hunter Street.</p> <p>2 Q. All right.</p> <p>3 A. At this point Torain exited the vehicle and 4 entered 1628 North 55th Street.</p> <p>5 Q. All right.</p> <p>6 So if I read this report correctly, Walker 7 followed him from the Master Street properties where 8 there was surveillance set up to 1621 North 9 Conestoga. Then when Torain came out of Conestoga, 10 you followed him over to the other unit; does that 11 sound right?</p> <p>12 A. Correct.</p> <p>13 Q. How far was the other unit? This is 56th 14 and Master, correct?</p> <p>15 A. Correct.</p> <p>16 Q. How far was that unit from 1621 Conestoga?</p> <p>17 A. Couple blocks.</p> <p>18 Q. Did you follow him on foot or in a vehicle?</p> <p>19 A. Vehicle.</p> <p>20 Q. How do you know?</p> <p>21 A. Because I'm telling you I was in a vehicle. 22 I couldn't be on foot in that area.</p> <p>23 Q. Why?</p> <p>24 A. Because it's predominantly a black</p>	<p style="text-align: right;">Page 61</p> <p>1 That's my question.</p> <p>2 A. Well, probably Kelly had to pick the van up 3 on his way into work at the arsenal which is on 4 Tioga Street --</p> <p>5 Q. I don't want you to guess. You said 6 probably.</p> <p>7 A. I'm not guessing. He --</p> <p>8 Q. Well --</p> <p>9 ATTORNEY GONZALES: Whoa. He is 10 answering. Don't interrupt. Let him 11 answer the question.</p> <p>12 BY ATTORNEY PILEGGI:</p> <p>13 Q. Go ahead.</p> <p>14 A. They utilized the survey van for this 15 operation because they videotaped the one day.</p> <p>16 Q. Okay.</p> <p>17 What does that van look like? Can you 18 describe it?</p> <p>19 A. It's a van. I don't know exactly what it 20 looked like. We're going back 20 years.</p> <p>21 Q. How did they videotape? I mean, they sit 22 in a van?</p> <p>23 A. That van is equipped with a video camera 24 and that's probably how they taped it.</p>

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1 Q.	Okay.	1 Q.	Okay.
2	Do you know if both Monaghan and Kelly were	2	What was your information as to why you were
3 both in that van?		3 following him?	
4 A.	Yes.	4 A.	Because Officer Kelly and Monaghan saw some
5 Q.	Okay.	5 interactions with him and one of the dealers that	
6	And that van was parked right outside of	6 was at 56th and Master Street.	
7 those properties? Those three properties?		7 Q.	So was he determined to be a buyer at that
8 A.	I believe the van was parked across the	8 point?	
9 street. These properties are situated on the -- it		9 A.	I'm not sure what they determined him to
10 would be the northwest corner. I believe they were		10 be.	
11 sitting on the southeast corner.		11 Q.	All right.
12 Q.	Okay.	12	Just for clarification, there was no buyers
13	You think they would stick out like a sore	13 ever arrested during this investigation, correct?	
14 thumb at that property?		14 A.	Correct.
15 A.	Not if no one knows they're in the back of	15 Q.	Okay.
16 the van.		16	Were any of the buyers over the three-day
17 Q.	Okay.	17 period of time -- and by the way, they saw many,	
18 So you follow Torain to the 56th and Master		18 many, many buys, correct?	
19 property, right?		19 A.	Correct.
20 A.	Correct.	20 Q.	Were any of the buyers ever followed or
21 Q.	How far is that Master Street property from	21 arrested?	
22 where Monaghan and Kelly were surveilling?		22 A.	I don't believe so.
23 A.	A couple blocks.	23 Q.	Why Torain? Why was he special?
24 Q.	When you say a couple?	24 A.	You would have to ask Monaghan and Kelly
	Page 63		Page 65
1 A.	Three to six. Two to seven. I'm not	1	because they were the ones doing the observations,
2 exactly sure. It is not that far though.		2 Counsel.	
3 Q.	Okay.	3 Q.	Okay.
4	When you followed Torain, tell us in detail	4	But neither Monaghan nor Kelly ever told you
5 what happened. What did you see?		5 why exactly you were following Torain?	
6 A.	At which point are you talking about,	6 A.	They came over the air said follow this
7 Counsel?		7 car. We believe he may have just re-upped one of	
8 Q.	Well, you're reading from the affidavit,	8 the dealers.	
9 correct?		9 Q.	He what?
10 A.	Correct.	10 A.	Re-upped one of the dealers.
11	Are you talking about when he left Conestoga	11 Q.	What does that mean?
12 Street?		12 A.	Gave them drugs to go sell.
13 Q.	Yes.	13 Q.	That is what Monaghan or Kelly told you?
14 A.	He left Conestoga Street. Got back into	14 A.	I don't remember the exact wording. They
15 the Bonneville and went to the property at 1628 55th		15 just told us to follow the Bonneville out because he	
16 Street where he entered with a key.		16 just had an interaction with one of the dealers from	
17 Q.	Now, did you see him from the time he left	17 Master Street.	
18 Conestoga to the time he entered, and maybe I		18 Q.	So you didn't think he was a buyer. You
19 shouldn't assume this, did he enter?		19 thought he was a dealer?	
20 A.	Correct. He did enter.	20 A.	Correct, based --
21 Q.	From the time he left Conestoga to the time	21 Q.	Based on what Monaghan or Kelly told you?
22 he entered 55th Street, did you see him do anything		22 A.	Yes.
23 illegal?		23 Q.	And which one of them told you that,
24 A.	Did not.	24 Monaghan or Kelly?	

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1 A.	Not sure.	1 reading this affidavit?	
2 Q.	Okay.	2 A.	I'm sure he said it over radio what he saw.
3	So you were following him to see what?	3 Q.	But he was on the scene with you, wasn't
4 A.	To see what he did.	4 he?	
5 Q.	Okay.	5 A.	No. I said we were in separate vehicles.
6	And he didn't do anything from the time you	6 Q.	Okay.
7 left Conestoga that you followed him until he went	7	But he was in the area at Conestoga, right?	
8 into Master Street, correct?	8	He followed him to Conestoga and then you followed	
9 A.	Correct.	9 him from Conestoga to 55th, right?	
10 Q.	When we say did, we both mean anything	10 A.	Correct.
11 illegal, right?		11	I don't know exactly where he was at in the
12 A.	Correct.	12 area. He was in the area, yes.	
13 Q.	What did you see him do illegal once he	13 Q.	You do know that he was at some point at
14 went into Master Street, sorry, 55th Street?		14	55th Street because according to the affidavit, he
15 A.	I didn't see him do anything.	15 observed something?	
16 Q.	Did anyone see him? Any police officer?	16 A.	Correct.
17 A.	There was an observation that was made by	17 Q.	All right.
18 Walker over at 55th Street.		18	Where were you when Torain went into 55th
19 Q.	What observation was that?	19	Street?
20 A.	Said Walker followed three individuals,	20 A.	Probably -- well, it says here that Torain
21 Delee and two other individuals, Tillman back to		21	was in there and then the three males showed up and
22 55th and Hunter where -- it's cut off, like I said,		22	they were in there for 20 minutes. Then I followed
23 once again, where the car on 55th Street all these		23	those three individuals back to 55th and Master
24 males exited the Buick were in the 1628 58th let		24	Street. I don't know exactly where I was. I'm sure
	Page 67		Page 69
1	into by Torain.	1	I was still in the area.
2	Twenty minutes later all three of those	2	Q. You were still in a back-up capacity?
3	males exit. Walker observed Delee place a clear bag	3	A. Still in the area, yes.
4	inside his pocket. All three males go into the	4	Q. But you did not observe these three
5	Buick and were followed back to 56th and Master	5	individuals, did you?
6	Street by myself. He remained at 1628 North 55th.	6	A. I did not.
7 Q.	So it's your testimony that Walker observed	7	Q. You did not observe any of these three
8 something illegal with respect to Torain or with		8	individuals putting drugs in their pocket?
9 respect to the unit at 55th Street?		9	A. Did not.
10 A.	Based on this report.	10	Q. Did you observe Torain leave 55th at some
11 Q.	You did not, correct?	11	point?
12 A.	I did not.	12	A. No, that was based on the information I
13 Q.	Okay.	13	received from Walker, I believe. If I could see
14	But you arrested Torain eventually, right?	14	that report?
15 A.	Correct.	15	Q. So --
16 Q.	Who gave you the order to arrest him?	16	A. Yeah, it was based on because when those
17 A.	I believe it would have been Officer	17	three individuals left they went back to Master
18 Monaghan.		18	Street. I followed them and it clearly states
19 Q.	Did he tell you why he wanted you to arrest	19	Walker remained at 55th and Hunter watching 1628.
20 him?		20	Q. Okay.
21 A.	Based on the observations made on Ithan and	21	Did you arrest those three individuals?
22 Master and then based on what Walker seen.		22	A. I believe they were arrested. I'm not sure
23 Q.	Okay.	23	if I did or not.
24	Did you know what Walker saw other than	24	Q. Well, you followed them back, correct?

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<p style="text-align: right;">Page 70</p> <p>1 A. Yes, and then once back there Officer Kelly 2 and Monaghan would then take over surveilling those 3 individuals.</p> <p>4 Q. And you went from following them back to 5 Master Street to arresting Torain maybe nine, 10 6 blocks away from 55th Street?</p> <p>7 ATTORNEY GONZALES: Objection. I 8 think some things happened in between, but 9 go ahead. You can answer.</p> <p>10 ATTORNEY FILEGGI: We'll get to 11 it.</p> <p>12 THE WITNESS: Yeah, eventually he 13 left 1628 North 55th Street and I followed 14 him out of the area and arrested him, yes.</p> <p>15 BY ATTORNEY FILEGGI:</p> <p>16 Q. You must have gone back to that area of 17 55th Street after you followed the other three 18 individuals back to Master Street?</p> <p>19 Does that sound right?</p> <p>20 A. I probably -- it's really not that far 21 away. I was probably still in the area, yes.</p> <p>22 Q. Okay.</p> <p>23 And do you know why you were supposed to be 24 the arresting officer of Torain and not Walker who</p>	<p style="text-align: right;">Page 72</p> <p>1 radio.</p> <p>2 ATTORNEY GONZALES: Can we take 3 five minutes? Joe, are you there? We're 4 going to take five minutes.</p> <p>5 ATTORNEY SENOBA: Okay.</p> <p>6 (At this time, a short break was 7 taken.)</p> <p>8 BY ATTORNEY FILEGGI:</p> <p>9 Q. Okay.</p> <p>10 At some point, and it looks like around 11 3:00 p.m., 2:58 p.m., you stopped Torain's vehicle, 12 the green Bonneville, correct?</p> <p>13 A. Correct. The 2:58 is when he left the 14 area. Then I stopped him at 61st and Nassau, yes.</p> <p>15 Q. By the way, did you have any information on 16 Torain prior to this job that he was involved in any 17 illegal activity?</p> <p>18 A. I did not. The only information that I 19 stated that I had was probably from Monaghan and 20 Kelly about the observations they made of him over 21 at Ithan or 5600 Master and then probably the 22 information that Walker seen him at 55th Street.</p> <p>23 Q. Before you stopped him, had you determined 24 who he was? In other words, what his name was?</p>
<p style="text-align: right;">Page 71</p> <p>1 actually observed allegedly observed these 2 narcotics?</p> <p>3 A. I have no idea. It's just the way things 4 transpired that day.</p> <p>5 Q. Nevertheless, you did -- did you follow 6 Torain from 55th Street to wherever he was arrested?</p> <p>7 A. Yes to 61st and Nassau.</p> <p>8 Q. And how many blocks is that?</p> <p>9 A. Not exactly sure.</p> <p>10 Q. If you had to guess? Ten maybe?</p> <p>11 A. Well 55th to 61st is six blocks.</p> <p>12 Q. Okay. Nassau?</p> <p>13 A. I'm not sure. Maybe anywhere from 1 to 20 14 blocks, maybe.</p> <p>15 Q. All right.</p> <p>16 Then you made the arrest based on the 17 information that either Monaghan or Kelly provided 18 you; is that correct?</p> <p>19 A. As well as Walker, yes.</p> <p>20 Q. Do you ever recall talking to Officer 21 Walker before you made the arrest of Torain as to 22 what Torain exactly did that was illegal?</p> <p>23 A. I don't recall if I did or not. As I 24 stated, I'm sure he probably put it out over police</p>	<p style="text-align: right;">Page 73</p> <p>1 A. I did not, no.</p> <p>2 Q. Okay.</p> <p>3 Was he described other than the vehicle?</p> <p>4 Was there flash information?</p> <p>5 A. I'm sure there was. I don't remember 6 exactly what the information was though.</p> <p>7 Q. Okay.</p> <p>8 Nevertheless, you were told to stop, by 9 somebody, to stop the green Bonneville?</p> <p>10 A. Correct.</p> <p>11 Q. All right.</p> <p>12 That's the same vehicle that you saw him 13 drive from Conestoga Street to 55th Street, correct?</p> <p>14 A. Yes.</p> <p>15 Q. All right.</p> <p>16 You do not recall seeing him leave 55th 17 Street, but you do recall the stop that you made at 18 61st and Nassau?</p> <p>19 A. Yes.</p> <p>20 Q. All right.</p> <p>21 What happened?</p> <p>22 A. He was stopped. Recovered from him was a 23 pager, a cell phone and five keys, a black key ring 24 and one of them was later determined to work the</p>

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1 door to 1628 55th Street at Apartment 2 inside, and 2 \$250 USC.	1 states, correct? 2 A. Correct.
3 ATTORNEY GONZALES: Is this based 4 on your review of the Affidavit of Probable 5 Cause?	3 Q. Specifically, it's kind of cut off, but it 4 says something ring containing five keys, right? 5 A. Yes.
6 THE WITNESS: It is.	6 Q. And one black key ring containing three 7 keys. One later to work the door at 1628 North 55th 8 Street and Apartment 2 inside, right?
7 BY ATTORNEY PILEGGI:	9 A. Right.
8 Q. I'm not trying to be smart, but keys 9 meaning real keys to open a door. Not kilos?	10 Q. Okay.
10 A. No. Keys.	11 So you confiscated those items?
11 Q. Was there anything illegal taken from him 12 at that time? Any contraband?	12 A. Correct, and they were turned over to 13 Monaghan.
13 A. No.	14 Q. And when you arrested Mr. Torain, you put 15 those on property receipts, correct?
14 Q. Anything that you later determined was 15 contraband after he was arrested?	16 A. They would've all been turned over to 17 Officer Monaghan and then put on a property receipt, 18 yes. Not when we got back at headquarters.
16 A. From him?	19 Q. Well, when you arrested him where was he 20 transported to?
17 Q. Yeah.	21 A. I believe it would have been 55th and Pine, 22 not 100 percent sure, because that's the holding 23 facility for that area.
18 A. No. As it states, it was just the keys, 19 the phone, the pager, and the money.	24 Q. Did you transport him?
20 Q. Okay.	
21 A. I'm saying did you look in the pager somehow 22 or the cell phone and determine that he was somehow 23 involved in any illegal activity?	
24 A. No.	
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1 Q. You didn't look or you looked and you 2 didn't find anything?	1 A. I don't believe I did.
3 A. I didn't look.	2 Q. Because you went back to arrest Mr. Hodge, 3 correct?
4 Q. Okay.	4 A. Correct.
5 Would that be something you would normally 6 do?	5 Q. All right.
7 A. No.	6 So whoever the strike force guys who were 7 there were the ones that transported him?
8 Q. Okay.	8 A. Yes.
9 Is it fair to say that his stop and arrest 10 was based solely on what Monaghan or Kelly told you 11 as well as some information that Walker informed you 12 about at 55th Street?	9 Q. Is that in any of the paperwork who they 10 were?
13 A. Yes.	11 A. No, I don't believe so. I haven't seen it.
14 Q. Okay.	12 Q. Wouldn't that have to be in an arrest 13 report?
15 Was there anything about the 55th Street 16 unit that in your mind was illegal? In other words, 17 was Torain doing anything that you determined later 18 on -- anything illegal in 55th Street?	14 A. You would have to take that up with Officer 15 Monaghan. I didn't prepare this report.
19 A. There was a safe that was recovered in 20 there.	16 Q. Well, you were the one that did the arrest. 17 Wouldn't you have to be the one to prepare the 18 arrest report?
21 Q. Okay.	19 A. No.
22 A. With some crack cocaine in it.	20 Q. You would not?
23 Q. And let's talk about that.	21 A. I did the arrest. Everything that I did 22 was told to Monaghan who's the assigned investigator 23 who would do all the paperwork.
24 You confiscated keys as the affidavit	24 Q. So in other words, you at some point went

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1	back and told Officer Monaghan that you confiscated	1	record they're marked NFU 7462, 63 and 64,
2	a key ring containing three silver keys, one that	2	Bates numbered.
3	worked the door at 55th Street, one Cancer key ring	3	ATTORNEY PILEGGI: Which were
4	containing five keys, Phillips market pager,	4	provided by the City, correct?
5	Motorola Nextell cell phone, and a Commonwealth of	5	ATTORNEY GONZALES: Yup.
6	Pennsylvania board of probation and parole in the	6	ATTORNEY PILEGGI: All right.
7	name of the defendant.	7	BY ATTORNEY PILEGGI:
8	You told them that they were the items that	8	Q. Do you see those property receipts,
9	you confiscated off of Mr. Torain at the time?	9	Officer?
10	A. I don't remember the parole paperwork that	10	A. Correct.
11	you're talking about.	11	Q. The property receipts representing what was
12	Q. Well, you were the one that confiscated	12	ever -- whatever was confiscated from Mr. Torain,
13	whatever was confiscated, correct?	13	right?
14	ATTORNEY GONZALES: Wait a	14	A. Correct.
15	minute. That's argumentative. You asked	15	Q. Okay.
16	him. He answered it. He doesn't remember	16	I want you to read 07. Do you see there
17	it. You can't just keep saying but.	17	where it says there was a Pennsylvania looks like a
18	ATTORNEY PILEGGI: No, I'm just	18	parole some kind of notice?
19	asking him.	19	A. Correct.
20	BY ATTORNEY PILEGGI:	20	Q. You don't recall confiscating that?
21	Q. You're the one that confiscated those	21	A. I do not.
22	items, correct?	22	Q. Okay.
23	A. The cell phone, the pager, the keys, the	23	Do you recall confiscating the keys,
24	money. I don't remember that piece of paperwork	24	correct?
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1	that you're talking about or it doesn't say it.	1	A. Correct.
2	If you show me what you're looking at?	2	Q. Both set of keys?
3	Q. Sure.	3	A. Correct.
4	A. I'll be able to --	4	Q. You recall confiscating the phone, right?
5	ATTORNEY PILEGGI: Let's mark	5	A. Correct.
6	that as Reynolds-2.	6	Q. You also recall confiscating the pager,
7	(At this time, documents were	7	right?
8	marked for identification as Reynolds-2.)	8	A. Correct.
9	ATTORNEY GONZALES: Do yo have	9	Q. But you do not recall --
10	extra copies?	10	A. I do not.
11	ATTORNEY PILEGGI: I do not. I	11	Q. -- that notice?
12	just want to do this collectively. This is	12	A. Do not.
13	property receipts 2308-207, 2308-208 and	13	Q. Do you know who would have put that on
14	2308-210.	14	there?
15	ATTORNEY GONZALES: You don't	15	A. I do not.
16	have copies?	16	Q. Do you think that that's not something that
17	ATTORNEY PILEGGI: I do not.	17	was confiscated off him a the time?
18	ATTORNEY GONZALES: Can you make	18	A. If it's on here someone had to confiscate
19	some?	19	it. I just don't remember doing it.
20	BY ATTORNEY PILEGGI:	20	Q. You were the confiscating officer, right?
21	Q. All right. Do you see these property	21	ATTORNEY GONZALES: You have
22	receipts collectively the last numbers are 07, 08	22	asked that question. Every time he answers
23	and 10?	23	something and you're not satisfied with the
24	ATTORNEY GONZALES: For the	24	answer you go but you were the officer --

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1	ATTORNEY PILEGGI: I'm very	1	He was being arrested based on the
2	satisfied with that answer.	2	observations of Monaghan, Kelly and Walker.
3	ATTORNEY GONZALES: Fine. Then	3	ATTORNEY GONZALES: Objection.
4	don't argue with the witness.	4	Asked and answered multiple, multiple
5	BY ATTORNEY PILEGGI:	5	times. You can answer again.
6	Q. Do you know who would have put that on the	6	THE WITNESS: Yes.
7	property receipt of the items that you confiscated	7	BY ATTORNEY PILEGGI:
8	off of Mr. Torain?	8	Q. All right.
9	ATTORNEY GONZALES: Objection to	9	Now you actually -- do you recall at the
10	the form of the question. Asked and	10	preliminary hearing testifying to the circumstances
11	answered. You can answer it again.	11	of the arrest?
12	THE WITNESS: I do not.	12	A. I do not. Do you have a copy? I'd like to
13	BY ATTORNEY PILEGGI:	13	take a look at it.
14	Q. Okay.	14	Q. Do you recall testifying to anything at the
15	And these are all items, whether you don't	15	preliminary hearing?
16	recall them being confiscated at the time or whether	16	A. No.
17	you do recall it being confiscated at the time,	17	Q. Okay.
18	these are all items that you informed Officer	18	How about at trial?
19	Monaghan that you confiscated off of Mr. Torain?	19	A. I don't recall.
20	A. Correct.	20	Q. Okay.
21	Q. Okay.	21	But wouldn't you be the officers, the
22	When was that?	22	arresting officer, that would be the one that would
23	A. Probably when he -- before he went back to	23	have to testify as to whether there was sufficient
24	type up the search warrant for 1628 55th Street.	24	probable cause to arrest that particular person?
	Page 83		Page 85
1	Q. Well, I don't want you to guess. You said	1	A. Well, I wouldn't testify to the probable
2	probably. Do you recall specifically?	2	cause. I would just basically say based on the
3	A. I don't remember exactly, no, because as I	3	information from Monaghan and Kelly and then what
4	stated it's 20 years ago.	4	Walker observed, the defendant Kareem Torain was
5	Q. Well, do you see there what the time of the	5	followed out of the area and arrested by myself.
6	arrest was?	6	Other officers could do that if it was done in their
7	A. I do. It says 3:30.	7	presence. Not sure if that was done in the case or
8	Q. Okay.	8	not.
9	Look at some of the other property receipts.	9	Q. Okay.
10	See if there's a different time?	10	Now, some of these items, and I will give
11	A. 3:05, 3:30.	11	you an opportunity to tell us which ones, some of
12	Q. Can you explain that?	12	these items were actually given to another police
13	A. No, I can't.	13	officer after you made the arrest and after you made
14	Q. Do you know when the actual arrest was?	14	the confiscations, right?
15	Was it 3:30 or 3:05?	15	In other words -- let me rephrase that.
16	A. I would say it was probably 3:05 because it	16	Did you recall taking the items down to 55th
17	wouldn't take a half an hour to get from 1628 North	17	and Pine to be processed?
18	55th to 61st and Nassau.	18	A. I don't recall. I know I turned the items
19	Q. Okay.	19	at some point over to Monaghan and Kelly or Monaghan
20	So Mr. Torain was transported, you think, to	20	because he would be the assigned, not Kelly.
21	55th and Pine and was placed under arrest and put in	21	Q. So you recall all the items or some of the
22	a cell?	22	I items?
23	A. Yes.	23	A. Just on property receipt 2308-207 I
24	Q. Okay.	24	remember items one, two, three and four being turned

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1 over to Officer Monaghan.	Page 86	1 securing the property.	Page 88
2 Q. What are one, two, three and four?		2 Q. What did Master Street have anything to do	
3 A. The keys, the other set of keys, the pager		3 with 55th Street? In other words, how did that fit	
4 and the cell phone.		4 into the probable cause of going into 55th Street?	
5 Q. How about the money? Did you keep that?		5 A. He was seen leaving there and going over to	
6 A. No, that was turned over to Officer		6 Conestoga --	
7 Monaghan also.		7 Q. So?	
8 Q. As well? At the same time as the keys?		8 A. -- then Master Street.	
9 A. Probably, yes.		9 Q. So?	
10 Q. You said probably. Do you recall		10 We already determined that he didn't do	
11 specifically?		11 anything illegal all that period of time.	
12 A. Yeah, it would have been turned over.		12 A. Well, no, he did some transaction over on	
13 Q. You wouldn't have carried that around with		13 Master Street with one of the dealers from over	
14 you, would you?		14 there, correct?	
15 A. No.		15 Q. Who told you that?	
16 Q. Anything else turned over to them?		16 A. Monaghan and Kelly. It's in the police	
17 A. That's all that I recall I did.		17 report.	
18 Q. Okay.		18 Q. Well, it is in the police report. Did they	
19 You keep saying turned over perhaps either		19 tell you that before you arrested Torain?	
20 to Monaghan or Kelly --		20 A. Sure.	
21 A. It would have been Monaghan not Kelly.		21 Q. When?	
22 Monaghan was the assigned.		22 A. Over police radio. That's why they had us	
23 Q. Am I correct that at some point you were		23 follow him.	
24 present when Officer Monaghan, yourself and perhaps		24 Q. When before he went into 55th Street?	
Page 87		Page 89	
1 other officers went back to 55th Street to enter		1 A. Probably --	
2 that unit?		2 Q. Or before he went into --	
3 A. Correct.		3 A. -- he --	
4 Q. Okay.		4 ATTORNEY GONZALES: Whoa. Whoa.	
5 Why did you do that?		5 THE COURT REPORTER: Hold on.	
6 A. It was determined to go back to secure that		6 ATTORNEY FILEGGI: I have to	
7 property where Torain went to.		7 finish the question.	
8 Q. Secure it for what?		8 ATTORNEY GONZALES: We have gone	
9 A. So that evidence would not be destroyed or		9 over this.	
10 lost.		10 ATTORNEY FILEGGI: No, we	
11 Q. What evidence?		11 haven't.	
12 A. Obviously there was crack cocaine in there.		12 ATTORNEY GONZALES: Absolutely.	
13 Q. Well, how did you know there was crack		13 You asked him why did you arrest him and he	
14 cocaine in there?		14 told you he is not sure but he remembered	
15 A. After there was a warrant done it was		15 he got information from the officers.	
16 confiscated.		16 You've asked this question at least five or	
17 Q. Wait a minute. After a warrant was done		17 six times.	
18 you knew there was crack cocaine. I'm asking you		18 ATTORNEY FILEGGI: I didn't.	
19 what was the probable cause at that point to go into		19 ATTORNEY GONZALES: What's the	
20 that unit?		20 question? I want to hear the question that	
21 A. Based on the observation that was made out		21 hasn't been answered.	
22 front by Walker and based on what Kareem Torain was		22 ATTORNEY FILEGGI: You didn't let	
23 seen doing over on Master Street. That was all		23 me finish.	
24 basis for following him to 55th Street as well as		24 BY ATTORNEY FILEGGI:	

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<p style="text-align: right;">Page 90</p> <p>1 Q. Did they -- did you give -- did they give 2 you that information before he went into Conestoga 3 or before he went into Master, okay?</p> <p>4 A. That's why we --</p> <p>5 Q. I'm sorry, 55th Street?</p> <p>6 A. When he left Master Street the reason they 7 told us to follow him was because he did an 8 interaction with one of the dealers that was out 9 there. That's why he was then followed to 10 Conestoga. Then we continued to surveil that and 11 then he was followed to 55th Street where you had 12 three individuals where Walker made observations 13 from.</p> <p>14 Q. Okay.</p> <p>15 A. Based on that is why I followed him out of 16 the area and arrested him.</p> <p>17 Q. Okay. So --</p> <p>18 A. I would have had to have that information 19 in order to place him under arrest.</p> <p>20 Q. Okay.</p> <p>21 So I'm asking you what was the probable 22 cause to take the key that you gave to Monaghan and 23 at least yourself and Monaghan go back to 55th 24 Street and go in that unit?</p>	<p style="text-align: right;">Page 92</p> <p>1 Q. Let me ask you a question. How did you 2 know which keys? Did you take all the keys? I see 3 two sets of keys and there has got to be in both 4 sets 10 keys or maybe eight keys. Did you go try 5 them all?</p> <p>6 A. I did not. Monaghan would have done that.</p> <p>7 Q. Well, you gave the keys to Monaghan right?</p> <p>8 A. Correct, but I wouldn't --</p> <p>9 Q. Well, would you --</p> <p>10 A. Hold on. I'm answering your question.</p> <p>11 Q. Okay.</p> <p>12 A. I wouldn't have tried it. Everything was 13 turned over to Monaghan. The property was then 14 secured once determined that the keys that were 15 taken from Torain worked 1628 55th Street as well as 16 the apartment door.</p> <p>17 Q. And you were there though, right?</p> <p>18 A. I was there, yes.</p> <p>19 Q. With Monaghan. Did you go right from the 20 scene of the arrest back to 55th Street to meet 21 Monaghan there?</p> <p>22 A. I'm not sure when we went back. We did go 23 back, yes.</p> <p>24 Q. Okay.</p>
<p style="text-align: right;">Page 91</p> <p>1 A. It was to secure it so that evidence 2 wouldn't be lost or destroyed.</p> <p>3 Q. Okay.</p> <p>4 A. Monaghan and the supervisor made that 5 decision to do that.</p> <p>6 Q. Okay.</p> <p>7 This is what I am going to ask you now: So 8 in order to enter a unit, am I correct, in your 9 experience as a police officer, 28 years, in order 10 to enter a unit you have to have probable cause, 11 correct?</p> <p>12 A. Correct.</p> <p>13 Q. All right.</p> <p>14 And is it your testimony that the probable 15 cause to go into that unit is to secure it to make 16 sure that evidence wouldn't be destroyed?</p> <p>17 A. Yes.</p> <p>18 Q. And that evidence that you think was in 19 that unit was based on what Walker told you or came 20 over the police radio and what Monaghan told you 21 when he was surveilling at the scene at Master 22 Street?</p> <p>23 A. Correct. That's why Monaghan along with a 24 supervisor determined to go secure the property.</p>	<p style="text-align: right;">Page 93</p> <p>1 Now, am I correct at least at this point 2 when you went back to the 55th Street, there still 3 had not been any arrest made other than Mr. Torain?</p> <p>4 A. I think it was all transpiring as it was 5 going along. So there was arrests that were made 6 after the fact.</p> <p>7 Q. Yeah, after Torain was arrested?</p> <p>8 A. Correct.</p> <p>9 Q. And after you went to 55th Street, correct?</p> <p>10 A. No, we wouldn't have gone to 55 Street 11 until after everything was under control and 12 everyone was arrested.</p> <p>13 Q. So is there anywhere in this document that 14 says anything about when you went back to 55th 15 Street? At what time?</p> <p>16 A. It says 3:50.</p> <p>17 Q. 3:50, okay.</p> <p>18 Am I correct that based on this document, 19 that most of the arrests of the other individuals at 20 Master Street was about 3:30?</p> <p>21 A. There was one at 3:17, 3:27, yeah.</p> <p>22 Q. Okay.</p> <p>23 So let me get this straight. You arrest him 24 at 3:05. And then you go take the keys, meet</p>

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1 Monaghan and go into the unit at 3:50 55th Street.	1 houses though. It would be other members of the
2 A. That's what the paperwork says.	2 unit.
3 Q. What did you do from 3:05 to 3:50?	3 Q. But that wasn't my question.
4 A. I have no idea.	4 My question was what did you do -- let me
5 Q. Well, we know that you made another arrest	5 ask you, did you participate in those search and
6 at some point, tight?	6 seizures at 3:30?
7 A. Yeah, I made another arrest.	7 A. I'm not sure if I did or not. If you show
8 Q. Was that before or after the Torain arrest?	8 the search warrants I will see if my badge number is
9 A. That one was after, I believe, correct.	9 on there. I could tell you if I participated in any
10 Q. Okay.	10 of the searches.
11 Was it before or after the arrest at Master	11 Q. Well, let me ask you this -- we'll get to
12 Street?	12 that in a second.
13 A. What arrest at Master Street.	13 Did you participate in the search of 55th
14 Q. Okay. Let's look at it.	14 Street at 3:50?
15 Looks like they --	15 A. No.
16 A. I didn't participate --	16 Q. How do you know?
17 Q. Hold on. You asked me and I will clarify	17 A. Because that wasn't done until after the
18 it for you. It looks like they hit the houses at	18 warrant was done.
19 3:30, 5605, 5607 and 5609. I think we can all agree	19 Q. Are you sure about that?
20 they're houses that are side by side.	20 A. Yes. Positive.
21 ATTORNEY GONZALES: What are you	21 Q. Okay.
22 reading? Because that's not what it says	22 So what do you mean? When was the warrant
23 in the PARS.	23 done?
24 ATTORNEY FILEGGI: I don't know	24 A. Well, once the property is secured you
Page 95	
1 why you keep reading the PARS, John. I	1 leave officers there. Monaghan goes back, types up
2 know you want me to use the PARS. I would	2 a warrant for that, and then the evidence is seized.
3 rather use the affidavit.	3 Q. Okay.
4 ATTORNEY GONZALES: Can you	4 But you were present when Monaghan tried the
5 please point out where it says 3:30?	5 keys and secured the unit, correct?
6 ATTORNEY FILEGGI: Second to the	6 A. Yes.
7 last page.	7 Q. Okay.
8 ATTORNEY GONZALES: What's the	8 And it's your testimony that someone was
9 Bates number?	9 left there to secure the property?
10 ATTORNEY FILEGGI: 479.	10 A. Yes.
11 ATTORNEY GONZALES: 479, all	11 Q. Who was that? Was that yourself?
12 right. Where are you reading that says	12 A. I have no idea.
13 3:30 p.m.	13 Q. Would it be NFU Officers or would you use
14 ATTORNEY FILEGGI: 1/4 at	14 other officers?
15 approximately 3:30 p.m. members of the	15 A. It would be an NFU Officer.
16 narcotics executed search and seizure	16 Q. Okay.
17 warrants 99025, 99026, 99027 at 5605, 5607,	17 Would that be memorialized somewhere.
18 5609 Master Street and had to forcibly gain	18 A. I'm not sure. You would have to ask
19 entry into all the properties. You see	19 Monaghan that.
20 that?	20 Q. Okay.
21 BY ATTORNEY FILEGGI:	21 So when they went into the property, you
22 Q. So based on that is it fair to say that	22 were there when they used the key, did it open the
23 they hit all these houses at 3:30?	23 front door?
24 A. Yeah, it wouldn't be just us hitting the	24 A. Yes.

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1 Q.	Okay.	1 there.	
2	Am I correct that we now know or maybe you	2 Q.	This is what I'm trying to ask you.
3 don't, that it was a rooming house?		3	Did Monaghan with you in tow go and check
4 A.	Yes.	4	every apartment to see if the key fit or did you
5 Q.	A boarding house, whatever they call it?	5	know where you were going?
6 A.	Yes.	6 A.	I think Monaghan knew where we were
7 Q.	In other words, there were several	7	going --
8 apartments in there?		8 Q.	How did he know that?
9 A.	Several rooms in there, yes.	9 A.	Based on where Walker made observations.
10 Q.	Okay.	10 Q.	Of what?
11	Did you go try the keys in all the different	11 A.	Seeing Torain in a room.
12 rooms or did the one key just open up the front		12 Q.	He actually saw Torain in that room?
13 door?		13 A.	I believe it's somewhere in the police
14	ATTORNEY GONZALES: Objection.	14	paperwork, yes.
15	The witness has already answered he	15 Q.	Okay.
16	didn't do the key for any of the doors.	16	Well, do you recall Officer Walker
17	You keep saying you and --	17	testifying to that at trial?
18	ATTORNEY PILEGGI: He was on the	18 A.	I do not know. I don't know what Walker
19	scene. All right. Let me rephrase.	19	testified to.
20 BY ATTORNEY PILEGGI:		20 Q.	All right.
21 Q.	When you gave the key to Monaghan and	21	Let me read you this. I'm referring to the
22	Monaghan tried the keys, did the key open the front	22	fourth page again.
23	door?	23	It says at approximately 3:50 members of the
24 A.	Yes, one of the keys did.	24	narcotics went to 1628 North 55th Street to attempt
	Page 99		Page 101
1 Q.	And you're looking at this document. I	1	to secure the apartment that Torain went in to.
2 will submit to you there is nowhere on the document		2	Police officer Kelly spoke with the manager
3 that says anything about this, so I mean.		3	of the property, Vincent Saunders in reference to a
4 A.	I understand, do you have a question?	4	black male who rented a room inside.
5 Q.	It opens up the front door, one of the	5	Let me stop there. So Officer Kelly was
6 keys?		6	also on the scene.
7 A.	Yes.	7 A.	Correct.
8 Q.	Do you go in with Monaghan?	8 Q.	Do you recall that?
9 A.	Yes.	9 A.	I don't recall -- I mean, I recall speaking
10 Q.	So you break the barrier of the outside	10	to someone. I don't remember the gist of it. I
11 door?		11	wasn't there listening.
12 A.	We walk in. We don't break nothing.	12 Q.	You recall Kelly speaking to someone or
13 Q.	I mean you walk in.	13	yourself?
14 A.	Yes.	14 A.	It says Kelly, correct?
15 Q.	Is there a hallway?	15 Q.	Right.
16 A.	Yes.	16	ATTORNEY GONZALES: The question
17 Q.	And you go upstairs?	17	is do you recall Kelly being there.
18 A.	No, the apartment -- that apartment, I	18	ATTORNEY PILEGGI: Right.
19 believe, was right there as soon as you go in to the		19	THE WITNESS: I recall Kelly
20 right.		20	being there, yeah. I answered that.
21 Q.	What that apartment?	21	ATTORNEY PILEGGI: Well, that's
22 A.	I didn't say that apartment. I said the	22	what I asked you.
23 apartment where the other key worked. Apartment 2		23	ATTORNEY GONZALES: It's just the
24 where it was determined that Torain was, was right		24	same questions over and over.

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1	BY ATTORNEY PILEGGI:	1	ATTORNEY PILEGGI: No, he did
2	Q. Do you recall any other officers other than	2	not, John.
3	yourself Monaghan and Kelly?	3	ATTORNEY GONZALES: He just did.
4	A. There would have been a supervisor with us	4	ATTORNEY PILEGGI: Please.
5	also. It would have either been Sinclaire or	5	ATTORNEY GONZALES: He just did.
6	Gessner.	6	THE WITNESS: It says it right
7	Q. Why would there be a supervisor there?	7	here in the paperwork.
8	A. Because you need a supervisor in order to	8	ATTORNEY GONZALES: It's in the
9	go in to secure a property. You have to inform them	9	report. He just did.
10	on what you want to do and make sure they're there	10	ATTORNEY PILEGGI: I'm asking him
11	with you.	11	his independent -- I don't want him to read
12	Q. Do you recall who called the supervisor?	12	from a report?
13	A. I do not.	13	ATTORNEY GONZALES: He doesn't
14	Q. Do you recall which supervisor?	14	remember. He said that over and over
15	A. As I stated, it probably would have been	15	again.
16	either Sinclaire or Gessner.	16	BY ATTORNEY PILEGGI:
17	Q. And do you recall someone speaking to a	17	Q. Okay.
18	manager of the property, Vincent Saunders?	18	So you recall --
19	A. Based on reading, it says Kelly spoke to	19	ATTORNEY GONZALES: Look, do you
20	him.	20	want to do the whole deposition with him
21	Q. I want to know if you have an independent	21	not reviewing a document and not having
22	recollection of that?	22	anything in front of him? He's going to
23	A. No.	23	say I don't recall 150 times. It's up to
24	Q. But you were in there, right?	24	you how you want to do it.
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1	A. Correct.	1	ATTORNEY PILEGGI: I don't.
2	Q. It was a pretty small unit; do you recall	2	John, this is my deposition. Please.
3	that?	3	BY ATTORNEY PILEGGI:
4	A. It was also 20 years ago.	4	Q. All right.
5	Q. Okay.	5	So, based on this reading of the document,
6	It was a pretty small unit, correct?	6	all right, we'll do it your way.
7	A. Correct. It was a three-story unit, I	7	Based on that, you're saying that one key
8	believe.	8	fit both the outer door and the inner door? Is that
9	Q. Okay.	9	what you're saying?
10	I am going to ask this again because it was	10	A. I don't know if it was one key or if it was
11	never answered. Do you recall Monaghan or any other	11	two separate keys. It says one was later to work
12	Officer trying the keys in any other room?	12	the door at 1628 North 55th Street and apartment 2
13	A. I do not, no.	13	inside.
14	Q. Okay.	14	Q. Okay. All right.
15	But you think Monaghan knew that Torain was	15	A. I'm not sure if it was the same key or two
16	in room number 2, right?	16	separate keys.
17	A. Correct.	17	Q. So when the door was opened by Monaghan,
18	Q. Okay.	18	right, did he go inside?
19	Was that door opened? Room number 2?	19	A. It was a room, you --
20	A. Yes, it would have been opened to determine	20	Q. I don't care. Did he go inside?
21	the key worked there. Then it was secured.	21	ATTORNEY GONZALES: He wants.
22	Q. You said the key worked the outer door.	22	Hold on. I got it.
23	ATTORNEY GONZALES: He said the	23	THE WITNESS: Why is he getting
24	key worked the outer and the --	24	so angry?

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1 ATTORNEY GONZALES: I don't know
 2 why he's getting angry.
 3 He wants to know whether Officer Monaghan,
 4 after he opened the door with the key,
 5 stepped foot inside the room.
 6 Is that what you're trying to ask?

7 ATTORNEY PILEGGI: I wasn't
 8 trying. I did ask that.

9 ATTORNEY GONZALES: Do you
 10 understand the question?

11 THE WITNESS: Yeah, I understand
 12 the question.

13 ATTORNEY GONZALES: All right.

14 BY ATTORNEY PILEGGI:

15 Q. Did someone -- did an Officer break the
 16 barrier of that door? I don't mean physically.
 17 A. He probably opened the door, looked into
 18 the room, then we secured it.

19 Q. You saw that?

20 A. Yes.

21 Q. What did you do to secure it?

22 A. Had an Officer stay there while he went and
 23 typed the search warrant.

24 Q. He looked in the room. What was he looking

1 break the barrier, do you mean step inside?
 2 Cross the threshold?
 3 ATTORNEY PILEGGI: Okay.

4 BY ATTORNEY PILEGGI:

5 Q. Did you go in and cross the --

6 A. I stated we stepped in.

7 Q. Was that door locked?

8 A. I believe it was because he had to unlock
 9 it with the key, yes.

10 Q. When that door -- when you broke the
 11 threshold of that door, stepped inside, looked
 12 inside, whatever, was the supervisor there?

13 A. Sure.

14 Q. Okay.

15 Do you remember having any interaction with
 16 the supervisor?

17 A. I wouldn't have had. It would have been
 18 Officer Monaghan. He was the assigned investigator.

19 Q. Then you leave there. You don't see
 20 anything in the room, right?

21 A. Correct.

22 Q. Okay.

23 You leave there, but you leave somebody at
 24 the door to secure it?

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1 for?

2 A. You would have to ask Monaghan that.

3 Q. Okay. I did.

4 A. Okay.

5 Q. Now, did you look in the room?

6 A. I probably looked in the room.

7 Q. What were you looking for?

8 A. I just looked in the room. I wasn't
 9 looking for nothing.

10 Q. Well, why would you look in the room then?

11 A. To see what it was.

12 Q. Were you looking to see if anything was in
 13 plain sight?

14 A. There was nothing in plain sight, if that's
 15 what you're asking.

16 ATTORNEY GONZALES: That wasn't
 17 his question. He just asked you if that
 18 was the purpose of you looking in --

19 THE WITNESS: Sure. Probably.

20 BY ATTORNEY PILEGGI:

21 Q. Probably. Okay.

22 Do you think you broke the barrier of the
 23 door?

24 ATTORNEY GONZALES: When you say

1 A. Correct.

2 Q. You don't recall who that was?

3 A. I do not.

4 Q. What was the point of that?

5 A. To make sure the evidence, if there was any
 6 evidence in there, didn't get lost or destroyed
 7 because Monaghan was typing up a search warrant. We
 8 are not just going to leave the property at that
 9 point. The people know we're there. If there's
 10 anything in there people could go in there and try
 11 to destroy the evidence.

12 Q. And it's your testimony you didn't go into
 13 any drawers or anything to look for evidence at that
 14 time?

15 A. I did not. I don't recall anybody else
 16 either.

17 Q. Do you recall the size of the room?

18 A. Smaller than this, I believe.

19 Q. Probably the size of the bathroom in there?

20 A. Could be. If you have pictures of it I'd,
 21 you know.

22 Q. Was there a bed in there? Do you recall

23 that?

24 A. I believe so, yes.

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1 Q. There was a bureau?
 2 A. I believe so, yes.
 3 Q. Anything else?
 4 A. Not that I recall.
 5 Q. Okay.
 6 Did you observe a safe in there?
 7 A. There was a safe that was recovered, yes.
 8 Q. That's not what I asked you.
 9 A. I didn't observe it at that point.
 10 Q. Do you know if Monaghan observed the safe
 at that point?
 11 A. You would have to ask Monaghan.
 12 Q. I did. I'm asking you.
 13 A. I don't know what Monaghan observed.
 14 Q. Okay.
 15 A. Did Monaghan say I see something in there.
 16 Q. We gotta secure it?
 17 A. I don't remember what Monaghan said.
 18 Q. All right.
 19 A. Do you remember a safe being confiscated at
 that time at 3:50?
 20 Q. I don't know.
 21 A. Taken back to 55th and Pine?
 22 Q. I don't remember that, no.

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1 Q. You do not?
 2 A. I do not.
 3 Q. You don't remember a safe being taken back
 and being pried open after the 3:50 search?
 4 A. I don't remember that, no.
 5 A. ATTORNEY GONZALES: I'm sorry.
 6 I'm lost. You're talking about before or
 after the search warrant?
 7 ATTORNEY PILEGGI: I'm talking
 about at 3:50 when they went there, looked
 in the room --
 8 ATTORNEY GONZALES: Okay.
 9 ATTORNEY PILEGGI: -- and used
 10 the key to open the room and went in.
 11 ATTORNEY GONZALES: Okay. Before
 12 the --
 13 BY ATTORNEY PILEGGI:
 14 Q. You do not recall a safe being confiscated
 at that time?
 15 A. I do not.
 16 Q. Okay.
 17 A. Is it fair to say at that point Mr. Torain
 has still not done anything illegal that you have
 any proof that he did anything illegal other than

1 the observations of Monaghan and perhaps Walker?
 2 A. Based on what Monaghan and Walker told me
 3 is the --
 4 Q. Right. Other than that?
 5 A. Other than that, no.
 6 Q. There was no physical evidence confiscated,
 7 nothing that he did illegal confiscated from him
 8 when you stopped him, and nothing in this room at
 9 this point at 3:50?
 10 A. Correct.
 11 Q. All right.
 12 So at some point you go back to -- and,
 13 again, this is based on what you said, I guess 55th
 14 and Pine. You think that is where the job was
 15 written up?
 16 A. I don't know where he typed it up at.
 17 Q. Whatever.
 18 Do you recall going back to that place and
 19 preparing the paperwork, typing up, doing whatever
 20 you needed to do to complete this job?
 21 A. Correct. They did go back with a warrant.
 22 I'm not sure if I was back there or not, but it
 23 clearly states here there was a warrant that was
 24 done at 1:00 am.

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1 Q. 1:00 a.m.
 2 A. Correct.
 3 Q. So you went there at 4:00, approximately
 4 4:00, 3:50 p.m. Then some police officers probably
 5 Monaghan at least, right?
 6 ATTORNEY GONZALES: If you know.
 7 THE WITNESS: Monaghan what?
 8 ATTORNEY GONZALES: I don't know.
 9 ATTORNEY PILEGGI: Reynolds-3.
 10 (At this time, a document was
 marked for identification as Reynolds-3.)
 11 ATTORNEY GONZALES: Do you have
 12 an extra copy?
 13 ATTORNEY PILEGGI: I do not. You
 14 can look off of that one.
 15 BY ATTORNEY PILEGGI:
 16 Q. Okay.
 17 A. Does that look like the warrant that was
 18 prepared for 55th Street?
 19 A. Yes.
 20 Q. Okay.
 21 A. What's the time on that?
 22 A. It says 1:00 a.m.
 23 Q. What's the date?

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1 A. 1/5.
 2 Q. 1/5 what?
 3 A. 00.
 4 Q. Okay.
 5 We are back to 2000?
 6 A. Yeah, I guess so.
 7 Q. Okay.
 8 ATTORNEY GONZALES: It also has
 9 as time stamp from the approval of the
 10 court of 2001.
 11 ATTORNEY PILEGGI: I realize
 12 that.
 13 ATTORNEY GONZALES: Okay.
 14 BY ATTORNEY PILEGGI:
 15 Q. Nevertheless, the warrant itself says 2000?
 16 A. It does.
 17 Q. And Monaghan signed off on that or prepared
 18 that?
 19 A. Yes.
 20 Q. What does it say was confiscated?
 21 A. Sentry fire safe, clear bag containing 17
 22 grams of crack and an amber plastic pill bottle with
 23 white cap.
 24 Q. So you don't know who was securing that

1 district attorney, then you have to call the bail
 2 commissioner. They were probably in the middle of
 3 shift change. Then you have to wait for the bail
 4 commissioner to be available and then go down and
 5 sign it.
 6 Q. Is there anywhere on there that determines
 7 the probable cause to search that house?
 8 A. There should be another attachment to this.
 9 Q. There should, but based on that document
 10 itself?
 11 A. This is just the front page of the warrant.
 12 There should be another affidavit.
 13 Q. Shouldn't there also be badge numbers on
 14 there as to who participated in the search?
 15 A. Looks like there are, but you can't figure
 16 out who it was. You can tell there's something
 17 there, but you can't make it out though.
 18 ATTORNEY GONZALES: Because of
 19 the poor quality of --
 20 THE WITNESS: Because of the poor
 21 quality, yes.
 22 ATTORNEY PILEGGI: There's
 23 nothing in there. I'm look at it. John,
 24 please. There's no badge numbers in there.

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1 unit from 4:00 p.m. to 1:00?
 2 ATTORNEY GONZALES: Objection.
 3 Asked and answered. You can answer it
 4 again.
 5 THE WITNESS: I do not.
 6 BY ATTORNEY PILEGGI:
 7 Q. Okay.
 8 But it would probably be somebody from the
 9 NFU?
 10 ATTORNEY GONZALES: Objection.
 11 Asked and answered. You can answer it
 12 again.
 13 THE WITNESS: Yes.
 14 BY ATTORNEY PILEGGI:
 15 Q. Okay.
 16 Would that be standard practice to have
 17 someone stand there or sit there, whatever they're
 18 doing, that period of time while you get a warrant?
 19 A. Yes.
 20 Q. Okay.
 21 Is there any reason why they waited until
 22 1:00 in the morning? Seven hours later.
 23 A. Well, he would have to go back, prepare the
 24 report, then the warrant has to get approved by the

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1 THE WITNESS: Because you can't
 2 make them out.
 3 ATTORNEY GONZALES: I can't tell
 4 one way or the other. It's a bad copy.
 5 THE WITNESS: Horrible.
 6 BY ATTORNEY PILEGGI:
 7 Q. But you don't recall being there yourself?
 8 A. I don't know if I was there or not.
 9 Q. All right.
 10 Now, am I correct that Mr. Torain eventually
 11 went to trial and was tried with all these other
 12 individuals where they made these seizures from the
 13 Master Street; do you recall that?
 14 A. I don't recall if he was tried with all --
 15 who was all tried together. I don't recall exactly.
 16 Q. Well, do you remember him being in the same
 17 trial with all the individuals that were arrested at
 18 5605 Master, 5607 Master, 5609 Master?
 19 A. I don't recall it, but like I said, I'm
 20 sure he was because it was a criminal conspiracy
 21 charge.
 22 Q. Okay.
 23 There was guns, bullet proof vests, several
 24 guns, assault rifles, bullets, drugs. I mean, there

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1 was a ton of illegal contraband taken from those
 2 units, right?
 3 ATTORNEY GONZALES: I am going to
 4 object. You can answer if you know what
 5 was confiscated.
 6 THE ATTORNEY: I know there was
 7 stuff that was recovered. I don't exactly
 8 remember what was recovered from each
 9 property, though.

10 BY ATTORNEY PILEGGI:

11 Q. But the point is that he was charged along
 12 with those other individuals that were arrested out
 13 of those properties, right?

14 A. Yes.

15 Q. When I say he, I mean Mr. Torain?

16 A. Yes.

17 Q. Okay.

18 Now, I want to take you back. This case was
 19 actually, and I say this case meaning the Torain
 20 case, was actually a continuation from another case
 21 from one of the -- at least one of the same units on
 22 Master Street. Do you recall that? A job that you
 23 actually did?

24 A. I do not.

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1 A. I was.
 2 Q. You recall that case because that involved
 3 a concerned citizen, in fact, the same individual
 4 who was identified by Officer Monaghan as the
 5 confidential source, right?
 6 A. I don't know what Officer Monaghan did. I
 7 know who that concerned citizen is.
 8 ATTORNEY GONZALES: Well, hold
 9 on. Let's make sure who the record is
 10 clear. Did you know who the concerned
 11 citizen was for Monaghan?
 12 THE WITNESS: No.
 13 ATTORNEY GONZALES: Okay. But
 14 you knew who the concerned citizen was for
 15 your -- for the Freedman job, correct?
 16 THE WITNESS: Yes.
 17 ATTORNEY GONZALES: Just so we
 18 are clear.
 19 ATTORNEY PILEGGI: He wasn't a
 20 concerned citizen. Confidential source is
 21 --
 22 THE WITNESS: If you show me what
 23 you have, Counsel, I would be able to tell
 24 you.

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1 Q. Okay.
 2 Do you recall Mr. Freedman? Dennis Freedman
 3 case?
 4 A. I do, yes.
 5 Q. Okay.
 6 That was involving 5607 Master Street?
 7 A. If you're telling me that, yes.
 8 Q. Okay.
 9 ATTORNEY GONZALES: Well, do you
 10 recall as you sit here today?
 11 THE WITNESS: I remember the name
 12 Dennis Freedman. I don't remember where we
 13 did the warrants at.
 14 ATTORNEY GONZALES: Just answer
 15 what he is asking. Don't assume anything
 16 that's in the paperwork.
 17 BY ATTORNEY PILEGGI:
 18 Q. So you recall Mr. Freedman because he filed
 19 a complaint, right? Internal Affairs.
 20 A. I recall Mr. Freedman because it was a
 21 largely upscale investigation that was done.
 22 Q. Okay.
 23 You were the assigned investigator on that
 24 case, right?

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1 BY ATTORNEY PILEGGI:
 2 Q. No.
 3 In the Monaghan job it was a confidential
 4 source, right?
 5 A. That's what Monaghan said, yes.
 6 Q. Do you recall the confidential source in
 7 Monaghan's job being the same person as the
 8 concerned citizen in your job?
 9 A. I don't know who Monaghan's confidential
 10 source is. You'd have to ask him. But I remember
 11 that Freedman job.
 12 Q. Do you remember the concerned citizen in
 13 the Freedman job?
 14 A. I do.
 15 Q. Okay.
 16 This individual gave the same property 5607
 17 Master Street, at least one of them, right, as
 18 illegal drug activity?
 19 A. If you're telling me that, then yes.
 20 Q. Okay.
 21 Now, do you remember you had a very lengthy
 22 testimony that you gave with regards to the Freedman
 23 case in federal court; do you recall that?
 24 A. I remember that, yes.

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1 Q. Do you remember some of the testimony
 2 focused on who the concerned citizen was; do you
 3 recall that?
 4 A. I don't remember exactly what the testimony
 5 focussed on.
 6 Q. Today as we sit here, do you recall who the
 7 concerned citizen was in your case, in the Freedman
 8 case?
 9 A. I believe I do, yes.
 10 Q. And that was about four months before this
 11 Monaghan job, right?
 12 A. If you're telling me that. I don't
 13 remember the exact date.
 14 Q. Okay.
 15 Well, it was August of 2000.
 16 A. Okay.
 17 Q. Okay.
 18 In that case, do you recall that that
 19 concerned citizen during the whole proceedings all
 20 the sudden became a confidential informant? Do you
 21 recall doing that?
 22 A. I don't remember that, no.
 23 Q. You were the assigned investigator, right?
 24 A. I was.

1 same unit at 5607 Master?
 2 A. I did not know that.
 3 Q. You did not know that?
 4 A. If it's true.
 5 Q. Okay.
 6 Am I correct that Al was an individual that
 7 you used often?
 8 A. Correct. He provided me with information.
 9 Q. In fact, he would provide you with
 10 information then you would reward Al for the
 11 information by giving him the drug corner after you
 12 arrested the individuals?
 13 A. By giving him the drug corners?
 14 Q. Yeah. Letting him operate and sell drugs.
 15 A. I would not do that, no.
 16 Q. Well, Al was an a known criminal, wasn't
 17 he?
 18 A. I know he was arrested before.
 19 Q. Well, he was a shooter; wasn't he?
 20 A. I don't know. Show he his criminal record
 21 and I'll be able to tell you.
 22 Q. Al committed suicide, didn't he?
 23 A. I heard something along those lines.
 24 Q. You never provided Al, during the Freedman

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1 Q. Okay.
 2 And you were the one handling the
 3 information from the concerned citizen, correct?
 4 A. Correct.
 5 Q. You recall that?
 6 A. Correct.
 7 Q. Do you recall the concerned citizen being
 8 Al?
 9 A. Correct.
 10 Q. Okay.
 11 Al is deceased now, correct?
 12 A. I believe so, yes.
 13 Q. There was extensive testimony about how you
 14 used Al in the drug investigation to assist police
 15 officers in arresting Mr. Freedman; do you recall
 16 that?
 17 A. If you're telling me there was you would
 18 have to show it to me.
 19 Q. Well --
 20 A. I don't remember --
 21 Q. Do you know as we sit here today, that
 22 Monaghan used Al? In other words, the Al gave the
 23 information on the Torain job was the same Al that
 24 gave you information on the Freedman job about the

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1 job, did you?
 2 ATTORNEY GONZALES: Never
 3 provided? What do you mean provided?
 4 BY ATTORNEY FILEGGI:
 5 Q. Al went in along with yourself and sat
 6 along with Mr. Douglas; remember Curtis Douglas was
 7 trying the case?
 8 A. If you tell me that's who it was, then yes.
 9 Q. Do you recall going in with Al because the
 10 court ordered that Al had to give information with
 11 regards to the Freedman arrest; do you recall that?
 12 A. I don't recall that, but if it happened and
 13 you're telling me it happened then it happened.
 14 Q. Do you recall signing Al up as a
 15 confidential informant after the Monaghan case but
 16 before the Freedman case went to trial somewhere in
 17 2001/2002?
 18 A. If you're telling me he was signed up, then
 19 I would have to see the document to see if it is
 20 true or not.
 21 ATTORNEY GONZALES: The question
 22 is do you remember.
 23 THE WITNESS: I don't remember if
 24 he was signed up.

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1 ATTORNEY GONZALES: That's fine.
 2 That's your answer. You don't remember.
 3 BY ATTORNEY PILEGGI:
 4 Q. You don't recall him being signed up at any
 5 time?
 6 A. After this case?
 7 Q. Any time.
 8 A. I don't remember. You would have to show
 9 me the paperwork.
 10 Q. Well, that's just it. We don't have any.
 11 You don't recall Al being signed up at any point?
 12 A. I don't remember that.
 13 Q. Okay.
 14 Do you recall the court telling you you had
 15 to produce Al?
 16 A. I don't remember that either. If you're
 17 telling me it happened, then --
 18 Q. Okay.
 19 And Al helped you participate in drug
 20 investigations, correct?
 21 A. He gave information, yes.
 22 Q. No, not just gave investigation. He
 23 actually participated.
 24 A. I don't understand what you mean by

1 it is used it to order up drugs.
 2 Q. But I'm asking you a different question.
 3 Could you use?
 4 A. Me? Myself?
 5 Q. Yes.
 6 A. No, I would never do that.
 7 Q. Well, that's not what I asked you.
 8 ATTORNEY GONZALES: He said no, I
 9 would never do that.
 10 ATTORNEY PILEGGI: Okay. That
 11 would be illegal, right?
 12 ATTORNEY GONZALES: The answer
 13 was no, I would never do that.
 14 BY ATTORNEY PILEGGI:
 15 Q. That would be illegal, right?
 16 A. I don't know if it's illegal, but I would
 17 never do that.
 18 Q. You've never been trained to do that,
 19 right?
 20 A. Trained to do what? Use a phone?
 21 Q. No, to use a citizen's phone, van, whatever
 22 you want --
 23 A. I would never do that, no.
 24 Q. -- in a police investigation?

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1 participate.
 2 Q. Do you recall using Al's van to do
 3 surveillance?
 4 A. I don't recall that, no.
 5 Q. That would be illegal; wouldn't it?
 6 A. I don't know if it's illegal. I don't
 7 recall it.
 8 Q. It would be violating the police policies;
 9 wouldn't it?
 10 A. Policies as far as what?
 11 Q. Officer?
 12 A. I'm asking you what policy.
 13 Q. Can you use a citizen's van to do police
 14 investigations?
 15 A. I don't remember doing that.
 16 Q. Could you use a citizen's telephone to call
 17 perspective dealers?
 18 A. If that person was participating in an
 19 investigation and they wanted to make a phone call
 20 to get a dealer to a location, then, yeah, you can
 21 do it. It's been done before.
 22 Q. You could use -- that's not what I'm asking
 23 you?
 24 A. Not me use it. The individual whose phone

1 A. Correct.
 2 Q. And it's your testimony that you never had
 3 Al participate in any way other than give you
 4 information?
 5 A. Correct.
 6 Q. All right.
 7 ATTORNEY PILEGGI: I want to note
 8 for the record that Mr. Walker is sitting
 9 here. I will provide you -- give me a
 10 second.
 11 If we could mark this as Reynolds-4.
 12 (At this time, a document was
 13 marked for identification as Reynolds-4.)
 14 BY ATTORNEY PILEGGI:
 15 Q. All right.
 16 Officer, I want to show you what has been
 17 marked as Reynolds-4. I will submit to you that's
 18 an affidavit from Jeffrey Walker. Jeffrey Walker
 19 was involved in the Torain case.
 20 By the way, do you recall Jeffrey Walker
 21 being involved in the Freedman case?
 22 A. I don't know if he was or not.
 23 Q. Okay.
 24 If you want to take a second to review that.

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1 I don't know if you have seen that before. Have you
2 ever seen that document before?

3 A. I have not.
4 Q. All right.

ATTORNEY GONZALES: This is a
case number. What case is that?

ATTORNEY FILEGGI: Freedman case.

ATTORNEY GONZALES: Can we go off
the record for a second.

(At this time, a discussion was
held off the record.)

ATTORNEY GONZALES: Back on the
record.

So we had a little conversation off the
record. This document which has been
marked Reynolds-4 is an affidavit purported
to be signed by Jeffrey Walker in a federal
criminal case.

The affidavit is dated May 15th 2017. It
pertains to my client. It also pertains to
this Freedman that plaintiff's counsel has
been asking questions about.

Apparently based on those questions it
appears that counsel thinks there's some

1 irrelevant.
2 It is served only for the purpose of
3 harassing this witness and I think it's
4 inappropriate.

ATTORNEY FILEGGI: Okay.

ATTORNEY GONZALES: Do you intend
to ask him questions about the affidavit?

ATTORNEY FILEGGI: Yes.

ATTORNEY GONZALES: All right.

We will adjourn and I will talk to my
client and we will decide what we are going
to do next.

I'll call you back, Joe.

ATTORNEY SENOBA: All right.

(At this time, a discussion was
held off the record.)

ATTORNEY GONZALES: We can go
back on the record.

We took a break off the record. I reviewed
this affidavit that was provided to me for
the first time by plaintiff's counsel in
this case and I have concerns about the
contents of the affidavit which was
apparently submitted by Jeffrey Walker.

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1 link between this Freedman case and
2 Mr. Torain's case.

3 I have never been provided with a copy of
4 this affidavit. Mr. Walker certainly never
5 provided it to me and he is a party in this
6 case.

7 Plaintiff's counsel has had possession of
8 this document but has not provided me a
9 copy of it. He is now attempting to ask
10 the witness questions.

11 We have a couple options here. We can
12 adjourn the deposition and allow me to
13 review this affidavit with my client at
14 which time we will decide whether we will
15 continue or we will move on.

16 I've given you a lot of leeway on asking
17 about this other Freedman case. But it's
18 not relevant to this case. It is not
19 germane.

20 Mr. Freedman is not a plaintiff in this
21 case. And this case was not Officer
22 Reynold's case. It's Officer Monaghan's
23 case. So the more questions we're asking
24 about another case, I think it's

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1 We are going to adjourn the deposition at
2 this time. I asked counsel if there are
3 any other documents or materials he has
4 that were not produced in discovery that he
5 intends to use in deposing my client.
6 If he has any I ask he provide them to me.
7 Otherwise we will provide additional dates
8 to reschedule the deposition.
9 We are adjourned.

10 (Deposition adjourned at

11 12:43 p.m.)

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C E R T I F I C A T I O N

1
2
3
4
5 I, KIMBERLY CHATBURN, Professional Court
6 Reporter and Notary Public, do hereby certify that
7 the foregoing is a true and accurate transcript of
8 the stenographic notes taken by me in the
9 aforementioned matter.

10

11

12

- - -

13

14

15

16

17

18

19

20

21

22

23

Kimberly Chatburn

24 DATE:

KIMBERLY CHATBURN
Pa Notary No. 1266273

ACKNOWLEDGMENT OF DEPONENT

1
2
3
4 I, BRIAN REYNOLDS, do hereby certify that I
5 have read the foregoing pages, and that the same is
6 a correct transcription of the answers given by me
7 to the questions therein propounded, except for the
8 corrections or changes in form or substance, if any,
9 noted in the attached Errata Sheet.

10

11

12 DATE

SIGNATURE

13

14

15

16 Subscribed and sworn to before me.

17 My commission expires March 23, 2024.

18

19

20

21 Kimberly Chatburn

22 Notary Public

23

24

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INSTRUCTIONS TO WITNESS

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1
2
3
4 Please read your deposition over carefully
5 and make any necessary corrections. You should
6 state the reason in the appropriate space on the
7 errata sheet for any corrections that are made.
8 After doing so, please sign the errata
9 sheet and date it.

10 You are signing same subject to the changes
11 you have noted on the errata sheet, which will be
12 attached to your deposition.

13 It is imperative that you return the
14 original errata sheet to deposing attorney within
15 thirty (30) days of receipt of the deposition
16 transcript by you. If you fail to do so, the
17 deposition transcript may be deemed to be accurate
18 and may be used in court.

19

20

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SEARCHER P/O BRIAN MONAGHAN		PAGE NUMBER 6061	POLICE NUMBER 201073	

CONTINUATION OF SEARCH AND SEIZURE WARRANT #99029

P/O Monaghan #6061, Received Detailed Information From A Confidential Source And 15th District Police Officers, P/O Ronald Cain #4959 & P/O Joseph Gagliarducci #2-50, Referring To Drug Activity Involving The 5600 Blk Of W. Master St. Listed Locations 5609 W. Master St., Abandoned Property Narcotics Being Packaged In This Location. 5607 W. Master St Being Used As A Stash House, Containing Marijuana, Crack, And Weapons. 5605 W. Master St, Narcotics Sold From Front Porch Area. Also A B/M Name "Al", And A B/M By The Name Of "Pud".

On Tuesday, 1-2-01, At Approximately 3:45 Pm, P/O Monaghan #6061 & P/O Kelly #7126, Set Up A Surveillance In The Area Of 5600 W. Master St. P/O Monaghan #6061 Observed #1 B/M (later I'd as Anthony Hodge) Wearing A Blk Down Jacket & Gray/Black B/B Cap S/S Med Compl 20's, And #2 B/M (Later I'd as Darnell DeLee) Blk Jacket W/Fur Around Hood, S/S Med Compl 20's W/Red Wool Knit Skull Cap, Standing On The Porch Of 5605 W. Master St. At Approx: 3:45 Pm HODGE Knocked On The Front Door Of 5605 W. Master St, Unk B/M Opened The Door And Handed HODGE A Golf Ball Size Object, HODGE Then Handed DeLee Objects From The Golf Ball Seize Object. Between 3:45 Pm & 5:30 Pm, HODGE and DeLee On Different Occasions Would Accept Unk Amounts Of Usc From Unk B/M's & Unk B/F's In Exchange For Small Packets They Retrieved From Their Persons. At Approximately 5:12 Pm A Gray Olds Jet Stopped In The 5500 Blk Of W. Master St, And Passenger Exited The Veh And Walked Towards The N/W Corner Of 56 & Master St, After A Brief Conversation With Both HODGE and DeLee They Walked The Unk B/M Into 5607 W. Master St. After About 10 Minutes The Unk B/M Exited The Location, P/O Monaghan #6061 Observed The B/M Place A Large Clear Bag Containing A Grn Weed Substance Into A Blk Bag He Was Carrying. At This Time #2 B/M Went To 5609 W. Master St Removed Usc From His Jacket Pocket, Opened The Front Door And Placed The Usc Into That Property. The Unk B/M Walked To The Corner Where The Olds Veh Picked Him Up And Then Left The Area. The Veh Was Followed By Members From The Nfu To 4700 Blk Of Merion Ave. 2 Unk B/M Occupants Exited The Veh, Passenger Carrying The Blk Bag Then Entered 710 Merion Ave. HODGE Then Entered 5605 W. Master St.

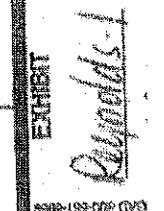
Wednesday, 1-3-01 At Approximately 11:00 Am, P/O Monaghan #6061 & P/O Kelly #7126, Set Up A Surveillance For The Locations Of 5605, 5607 & 5609 W. Master St. At Approx. 11:31am Police Observed A Dark Colored Buick Pa Tag Dkd2171 (This Is Registered To Glenn Lee 5607 Master St) Operated By A DeLee Wearing Blk Jkt, W/Red Wool Knit Skull Cap, Park In Front Of 5605 Master St. At Approx. 11:52 Am DeLee Received A Golf Ball Size Object Cont Dark Colored Objects Out The Front Door Of 5605 Master St. Between 11:30 Am And 11:58am B/M #2 Gives Unk B/M's And Female Small Dark Objects From Inside Of A Clear Baggie That He Was Holding On His Person In Exchange For Usc.

At Approx. 11:58am A B/M (Later I'd As Miguel MOON, PPN#817626), Wearing Dark Acjct, Blue & White Titans Ball Cap Exits 5605 Master St And Hands Small Objects To A B/M Wearing A Tan Jacket In Exchange For Usc. MOON Then Goes Onto The Porch Of 5607 And Counts Green Packets That Are Inside A Clear Baggie That He Retrieved From His Person. MOON Then Gives Numerous Of These Packets To 2

INITIALS

SIGNATURE

NFU 07476



FD-302 (Rev. 1-25-79)

Males And 1 Female In Exchange For USC. MOON Then Puts The Bundle In His Right Pocket.

At Approx. 2:22pm HODGE Wearing A Blk Averix Jkt Exited 5607 Master St. And Gives B/M Wearing Black Jacket , Blue And White Plaid Shirt Small Object In Exchange For USC.

At Approx. 2:26pm MOON Takes From His Person The Clear Baggie Mentioned Earlier That Cont Green Packets And Hands Them To B/M #2. MOON Then Gets Into The Passenger Side Of A Dark Colored Olds Pa Tag Bzr 4983 (Which Comes Back To A Mazda) And Leave N/B On 56th St.

Between 2-3:00pm Kabeyn DIGGS Wearing A Black Jacket , Red Shirt And Base Ball Cap Parked A Older Model Subaru Station Wagon Pa Tag CDP3580 On The N/W Corner Of 56th And Master. This B/M Exited Carring A Green Timberland Shoe Box And Went In 5605 Master St. This B/M Exited A Short Ime Later And Left In The Subaru.

At Approx. 3:56pm DeLEE Was Observed Giving (2) B/F's Small Objects In Exchange For USC In The Rear Of The Store On The N/E Corner Of 56th And Master St.

At Approx. 3:58pm P/O Mitchell#4145 Went To That Corner To Attempt To Make A Uncontrolled Narcotics Purchase From DeLEE P/O Mitchell Met DeLEE Inside Of The Store And Engaged In Narcotics Related Conversation After Which DeLEE Told P/O Mitchell To Stay Inside . DeLEE Exited The Store Walked To The Rear Of The Store And Removed Small Objects From His Person . DeLEE Then Opend The Backdoor Of The Store And Called P/O Mitchell#4145 Outsid. DeLEE Handed P/O Mitchell Theses Small Object In Exchange For 20.00 Pre-Recorded Bu Money. P/O Mitchell Left And Turned Items Purchased(4 Black Tinted Heat Sealed Packets Cont A White Chunky Substance) To Over To P/O Monaghan ..A Majority Of Observation On 1/3/01 Were Video Taped By P/O Kelly #7126 And P/O Monaghan #6061.

In 1/4/00 P/O Kelly #7126 And P/O Monaghan Set Up A Surveillance Of 56th And Master St. At Approx. 1:41 Pm Police Observed A Green Bonneville Pa Tag Dkc3310 Registered Carolyn Gillis) Travel N/B On 56th St To The Intersection Of 56th And Master. At This Time Delee Who Was Standing On Steps Of 5605 Master St Made Hand Gesture Toward The Bonneville And Yelled , "Yo". At This Time The Bonneville Traveled W/B On Master St And Turned N/B Onto Ithan St. At This Time Delee Ran W/B To Ithan St And Entered The Passenger Side Of The Bonneville. Delee Exited After Approx 2-3 Mins And Ran Back To The Corner Of 56th And Master. The Bonneville Who Was Being Operated By A B/M Later Id As Kareemorian Was Followed Back To 1621 N. Conestoga St By P/O Walker #3730 Where Police Observed Torain Exit His Vehicle And Enter 1621 Conestoga. Police Observed Delee Go Immediately Go Back To The Corner Of 56th And Master And Give Small Objects Which He Retrieved From His Pocket To Numerous Males And Females In Exchange For USC.

At Approx. 1:43 Pm Police Observed The Sebring Travel W/B On Master St Being Operated By Christina Brax Stop In Front Of 5607 Master St. Anthony Hodge Exited The Passenger Side And Entered Into 5607 Master St With A Key. Hodge Was Observed On Numerous Occasions Entering And Exiting 5607 Master St With A Key On 1/4/01.

At Approx. 1:55pm P/O Kelly Overheard Delee Who Was Standing On The Southeast corner Of 56th And Master St Tell Kabeyn Diggs That Kareem (Operator Of The Green Bonneville) Only Had A Bundle On Him And Would Call When The Rest Was Ready.

At Approx. 2:00pm P/O Reynolds #4268 Observed Torain Exit 1621 N. Conestoga And Travel W/B On Hunter St In The Bonneville To The S/W Corner Of 55th And Hunter

This Point Torain Exited His Vehicle And Entered Into A N 55th St With

c. 2:05pm Police Observed Delee Answer The Pay Phone On The N/W Corner
nd Master St The Jdg To The Buick (Mentioned On 1/3/00) Along With
l Arthur Tillman. P/O Walker Followed Them To 55th And Hunter St. Where
ed The Car On 55th St. All These Males Exited The Buick And Were
Into 1628 S. 55th St By Torain. After Approx. 20 Mins All Three Males (Tillman,Diggs)
Exited 55th St, With Delee Placing A Clear Bag Inside Of
t. All Three Males Go Into The Buick And Were Followed Back To 56th And
P/O Reynolds. P/O Walker Remained At 55th And Hunter Watching 1628 55th

c. 2:35pm Police Observed Hodge Exit 5607 Master St And Go Into A Red
Breeze Delaware Tag D4398 And Take Unknown Objects From Inside Of The
the Trunk.Hodge Then Walked Back To Into 5607 Master St.

c. 2:37pm Police Observed The Buick Park On The East Side Of 56th St
h Of Master. All Three Males Exited The Vehicle And Walked To The Porch
Master St.

c. 2:37pm Police Observed Delee Hand Bundles To Moon, Freeman, Hodge And

en Placed A Clear Baggie Cont Numerous Green Tinted Packets In His Right
ocket. Delee Then Was Observed Giving These Small Green Packets To
People In Exchange For Use.Police Observed Moon, Freeman, Hodge, Diggs,
Were Observed Giving Males And Females Small Objects In Exchange For

c. 2:58pm Torain Left 1628 N. 55th St And Left The Area In His
le. P/O Reynolds #4268 Followed This Vehicle Out Of The Area And With
f Uniform Vehicles Stopped Torain At 61st And Nassau St And Placed Him
rest. Recovered From Him Was (1) Pager, (1) Nextel Cell Phone, (1)
y Ring Cont 5 Keys, (1) Black Key Ring Cont 3 Keys(One Was Later
ed To Work The Door Of 1628 N. 55th St And Apt #2 Inside), 250.00 Usc.

c. 3:05pm A Green Bonneville Pa Tag Dnz7857 Operated By Raymond Howard
ie Passenger Seat Was A-B/M Later I'd Am Maurice Grey , Parked On The
f Of 56th St Just North Of Master St. Both Males Exited The Vehicle And
The Porch Of 5605 Master St, Where Delee Handed Howard A Large Amount
All Males Walked To The N/W Corner Of 56th And Master St.

c. 3:13pm Delee, Freeman Got Into The Buick (Mentioned Earlier) And
Area N/B On 56th St.

c. 3:17pm A Marked Police Vehicle Stopped In The Middle Of 56th And
And Activated Lights And Sirene On The Vehicle . At This Time Grey,
Diggs Got Into The Bonneville And Left N/B At A High Rate Of Speed.
i A B/F Got Into The Breeze And Left The Area S/B On 56th St At A High
Speed. P/O Kelly Notified Backup As To Description And Direction Of
xicles And Occupants. P/O Fitzgerald #2228 And P/O Francis #3981 Stopped
eville On 1400 N Alison St. Recovered From Howard Was (2) Bundles Of
e Was 585.00 Usc And The Other Was 553.00 Usc.Recovered From Diggs Was
Phone, 313.00 Usc, (14) Blue Oval Pills (Alleged Xanax), Recovered From
(1) Clear Bag Cont (112) Blue Oval Pills (Alleged Xanax), (1) Clear
Packet Cont (14) Yellow Tinted Ziplock Packets Cont A White Chunky

s, 68.00 Usc .
olds #4268 And P/O Walker #3730 Stopped The Breeze At 56th And Market
s Was Placed Under Arrest And Recovered From Him Was (5) Blue Tinted
Packets Cont A Green Weed Substance And (1) Key Ring With(3) Keys One Of
s Later Determined To Work The Door At 5607 Master St.

At Approx. 3:27pm Darnell DeLee And Anthony Freeman, S/B Down 56th St From Media And Onto The Porch Of 560 Master St And Yelled "Yo The Cops Got Them And Here Coming" At This Time Moor Bichonot And Tillman Ran Out The Front Door Of 505 Master St. All Five (Moon, Bichonot, Tillman, Freeman, And DeLee) Then Proceeded To Run N/B On Ithan St P/O Kelly Notified Backup As To Description And

Direction Of All 5 Males. P/O W. Lker #373Q Stopped Freeman And Bichonot At Frazier And Media St. Recovered From Freeman Was 106.00 USC And His Black Jacket With Fur Collar. Recovered From Bichonot Was His Red Leather Jacket With "Player" Written On The Front. P/O Fitzgerald #2228 Stopped Tillman, And DeLee At Frazier And Media St. Recovered From DeLee Was (1) Key Ring That Cont (7) Keys, One Of Which Worked The Front Door Of 5705 Master St And Another Worked The Padlock On The Door Going Into The Second Floor Rear Bedroom And 2 Bundles Of Money One Cont 850.00, 20.00 of which was pre-recorded buy money used by P/O Mitchell on 1/3/00 And The Other Cont 280.00 USC. Moon Was Lost In Area.

At Approx. 3:50pm Members Of Narcotics Went To 1628 N. 55th St To Attempt To Secure The Apartment That Torain Went Into. P/O Kelly Spoke With The Manager Of The Property Vincent Saunders In Reference To A B/M Who Rented A Room Inside. Mr. Saunders Stated That He Knew A B/M Light Complexion, Heavy Build And Light Beard Who Drove A Green Bonneville With Tinted Windows And Shinny Rims Lived In Apt #2. This Male Had Young Males Entering And Exiting His Room Frequently. At This Point The Owner Of The Property Vincent Saunders Showed Up And Stated That No One Had Rented Apt #2 And No One Had Permission To Be Inside Of The Property. P/O Monaghan #6061 Tried One Of The Keys From Torains Key Ring In The Lock At Apt #2 And It Opened The Lock. The Owner Again Stated That No One Had Rented The Apt And No One Had Permission To Be Inside. The Apt Was Secured Pending Search And Seizure Warrant.

On 1/4/00 at approx. 3:30PM members of narcotics executed search and seizure warrant #'s 99025, 99026, 99027 at 5605, 5607, 5609 Master St AND HAD TO FORCEABLY MAIN ENTRY INTO ALL PROPERTIES.

Inside 5605 Master st Glenn LME was stopped in the living room area and placed under arrest. Recovered from inside 5605 Master St second floor rear bedroom (which had a padlock on the door) in the closest: (1) Blue Ballistic Vest, on the dresser (1) clear bag cont , (1) clear baggie cont (63) green tinted ziplock packets cont a white chunky substance, (1) clear baggie cont (53) green tinted ziplock packets cont a white chunky substance, (1) clear baggie cont (33) Clear tinted ziplock packets cont a white chunky substance, (1) clear baggie cont (30) Clear tinted ziplock packets cont a white chunky substance (a gram total of 175 packets and approx. weight 17.7 grams), (1) box cont numerous live .45 Cal and 40 cal bullets, (1) clear baggie cont numerous new and unused green tinted packets, (1) receipt from first judicial dist Pa, in name of Darnell DeLee. Recovered from first floor numerous pieces of mail in name of glenn DeLee and Darnell DeLee.

Inside 5707 Master St Eileen Hodges was stopped and placed under arrest by P/O Salazka #7481. recovered from inside a drawer in the living room was 260.00. recovered from the basement was (1) Black AR 15, .22cal assault rifle, empty magazine serial #A774130, sawed off butt (1) black AR15, .22cal assault rifle, empty magazine, serial #021088, sawed off butt (1) 12 gauge pump shotgun, no serial # saw off barrel and butt sawed off, and (1) baggie cont various caliber five rounds. recovered from Anthony Hodges second floor middle bedroom was (1) clear baggie cont (76) blue tinted heat sealed ziplock packets cont a green weed.

SIGNATURE				SEARCHED		SEARCHED		

substance and (1) ziploc bag cont a white chunky substance (approx. 11.5 grams alleged crack cocaine)

Inside 5609 Master St. (5) green tinted ziplock packet heat sealed cont a green weed seed substance, numerous new and unused black tinted packets, and 3 boxes cont various live rounds.

On 1/5/00 P/O Monaghan #6061 obtained search and seizure warrant #99028 approved by Judge Albright and signed by bail commissioner Polkoff.

Inside 1628 N. 55th St apt #2 at approx. 1:00AM members of narcotics executed search and seizure warrant #99028. recovered from inside in bed frame was a safety safe cont (2) amber pill bottles with white tops and (3) bags tied in knot on top cont a white chunky substance (a total of approx. 17 grams of crack cocaine).

ADDITIONAL INFORMATION FOR SEARCH & SEIZURE WARRANT # 99029 FOR A 1986 BUICK SABRE CP / BLK PA TAG (DKD-2171) VIN# 1G4HR37L0GH424098, OPERATOR (DARNELL LEE) WAS OBSERVED BY POLICE OPERATING THE VEHICLE WITH KEYS. AT TIME OF ARREST LEE IS NOT LOCATED. VEHICLE IN POLICE CUSTODY AT THIS TIME.

P/O Monaghan #6061, I Your Affiant REQUEST A DAYTIME SEARCH WARRANT ON THE LISTED VEHICLE.

RETURN OF AFFIANT	BADGE	0147/DMST								
TO (OR AFFIXED) AND SUBSCRIBED BEFORE ME THIS	DAY OF	2001								
PACIFIC DISTRICT OF CALIFORNIA										
RETURN OF ISSUING AUTHORITY	DATE COMMISSION EXPIRES									
<table border="1"> <tr> <td>PERIOD</td> <td>NAME</td> <td>PERIOD</td> <td>PERIOD</td> </tr> <tr> <td>SIGNATURE</td> <td>SIGNATURE</td> <td>SIGNATURE</td> <td>SIGNATURE</td> </tr> </table>			PERIOD	NAME	PERIOD	PERIOD	SIGNATURE	SIGNATURE	SIGNATURE	SIGNATURE
PERIOD	NAME	PERIOD	PERIOD							
SIGNATURE	SIGNATURE	SIGNATURE	SIGNATURE							

NFU 07480

PROPERTY RECEIPT		FROM WHOM	TO	DATE	TIME	NO.	
<input type="checkbox"/> LOST AND FOUND <input type="checkbox"/> FOR INVESTIGATION <input type="checkbox"/> PERSONAL PROPERTY FOR SAFERKEEPING <input checked="" type="checkbox"/> EVIDENCE		KAREN TURAIN ADDRESS 1621 S. CONESTOGA ST. OWNER (if known)	23 M	1/4/01	3:30PM M	2308207	
		ADDRESS	LAB USE/HIRE REQUESTED		DISTRICT	UNIT	
			<input type="checkbox"/> Yes <input type="checkbox"/> No		DO NO.	P2SW 19-698 SEIZURE NO.	
		DEFENDANT'S NAME ERNEST TO 75409	SUM OF PROPERTY FORWARDED AT EVIDENCE CUST.				
ITEMS OF PROPERTY AND CIRCUMSTANCES UNDER WHICH IT WAS RECEIVED INCLUDING THE EXACT LOCATION TAKEN FROM							
1. EVIDENCE: ITEM #1-(1) KEY RING COM. (3) SILVER KEYS-(1) KEY WORKED THE DOOR TO 1628 S. 53RD ST. APT. "2". ITEM #2-(1) CANCER KEY RING CONT. (5) KEYS. ITEM #3-(1) COMMONWEALTH OF PA BOARD OF PROBATION & PAROLE IN THE NAME OF DEF. ITEM #4-(1) PHILIPS PAGE MART PAGER. ITEM #4-(1) MOTOROLA NEXTEL CELL PHONE. 2. CIRCUMSTANCES: ON 1/4/01 AT APPROX. 3:05PM THE ABOVE DEF. WAS ARRESTED FOR MARC. VIOLATIONS THAT OCCURRED OUTSIDE 5600 MASTER ST. CONFIS. WAS THE ABOVE ITEMS. 3. FIELD TEST: NONE 4. CASE#: SF-00-007.							
OJ.							
If the person from whom the above amount of money and/or property was taken does not sign below, state reason why:				RECEIVED BY POLICE DEPARTMENT			
PERSON FROM WHOM TAKEN (Signature)				Arresting or Receiving Officer: (If personal property for safekeeping, Designee or Supervisor is the Receiving Officer)			
NAME TO SIGN SER. NUMBER 183065		BADGE NO. 8771	SIGNATURE	BADGE NO. 6061		6061 6061	
TRANSFERRED TO EVIDENCE CUSTODIAN/COLLECTOR							

I hereby acknowledge receipt of the above listed items.

(Date) (Time) (Evidence Custody/Collection)

RELEASE FROM CUSTODY OF POLICE DEPARTMENT

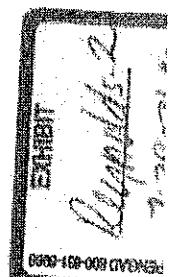
This will acknowledge the receipt from the Police Department of the City of Philadelphia of the amount of money and/or property listed above, and will constitute the release of the City of Philadelphia and its agencies from any and all future responsibility therefor.

Returned to Owner or Agent
 Confiscated by Court

RECEIVED BY (Owner or Agent)

OWNER OR AGENT (Signature)

NFU 07462



PROPERTY RECEIPT:		FROM WHOM TAKEN KAREN TOBAIN	BOX # 23	REC'D BY M	N# 2308208
<input type="checkbox"/> LOST AND FOUND <input type="checkbox"/> FOR INVESTIGATION <input type="checkbox"/> PERSONAL PROPERTY FOR SAFEKEEPING XXX EVIDENCE		ADDRESS 1621 S. CONNESTOGA ST.	DATE 1/4/01 3:05PM	TIME	DESTROY UNIT NB F2SW
		OWNER ((If Known))	LAS USER FEE REQUESTED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO DO NO. 00-19-698 SERIAL NO.		
		ADDRESS			
		DEPARTMENT'S NAME SAC	BULK OF PROPERTY STORED AT SACRIMON EVIDENCE CUST.		

ITEMS OF PROPERTY AND CIRCUMSTANCES UNDER WHICH IT WAS RECEIVED INCLUDING THE EXACT LOCATION TAKEN FROM

1. EVIDENCE: (2) IDENTITIES \$140.00
 (4) TENS \$40.00
 (10) FIVES \$50.00
 (20) ONES \$20.00
 TOTAL \$250.00

2. CIRCUMSTANCES: ON 1/4/01 AT APPROX. 3:05PM THE ABOVE IND. WAS ARRESTED FOR MARC. VIOLATIONS
 THAT OCCURRED OUTSIDE 5600 MASTERS ST. CONFES. WAS THE ABOVE OSC.

3. CASE#: SP-00-007.

If the person from whom the above amount of money and/or property was taken does not sign below, state reason why:
 UNABLE TO SIGN

RECEIVED BY POLICE DEPARTMENT

Arresting or Receiving Officer: (If personal property for safekeeping, Desk Supervisor is the Receiving Officer)

PERSON FROM WHOM TAKEN (Signature) STEVEN J. GLASNER 133065	BADGE NO. (Type) 8771	SIGNATURE DO MONAGHAN 201073	BADGE NO. (Type) 6061 6061
---	-------------------------------------	---------------------------------	--

TRANFERRED TO EVIDENCE CUSTODIAN/COLLECTOR

I hereby acknowledge receipt of the above listed items.

(Date)

(Time)

(Evidence Custodian/Collector)

RELEASE FROM CUSTODY OF POLICE DEPARTMENT

This will acknowledge the receipt from the Police Department of the City of Philadelphia of the amount of money and/or property listed above, and will constitute the release of the City of Philadelphia and its agencies from any and all future responsibility therefor.

Returned to Owner or Agent
 Countermarked by Clerk

RECEIVED BY (Owner or Agent)
 OWNER OR AGENT (Signature)

PROPERTY RECEIPT		FROM WHOM TAKEN	SEX	NO.
		KAREN TORAIN	23	N 2308210
<input type="checkbox"/> LOST AND FOUND		ADDRESS	DATE	TIME
		1621 S. CONNESTOGA ST.	1/4/01	3:30PM M
<input type="checkbox"/> FOR INVESTIGATION		OWNER OF PROPERTY	DISTRICT UNIT	
		CAROLYN GILLIS	DO NO. E2SW	
<input type="checkbox"/> PERSONAL PROPERTY FOR SAFEKEEPING		ADDRESS	LAW USED FOR REQUESTED	
		107 VERNON AVE. DARBY PA 19023	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO 01-19-698
<input checked="" type="checkbox"/> EVIDENCE		OFFICER RECEIVING	SEARCH NO.	
		REFER TO 75-49	NAME OF PROPERTY STORED IN AUTO FOUND	

ITEMS OF PROPERTY AND CIRCUMSTANCES UNDER WHICH IT WAS RECEIVED INCLUDING THE EXACT LOCATION TAKEN FROM

1. EVIDENCE: 1995 DODGE SDN. (PAINTED GREEN) PA #OKC3310 VI #1G2HK52K4S4240131.
2. CIRCUMSTANCES: ON 1/4/01 AT APPROX. 3:30PM THE ABOVE AUTO WAS CONFIS. FROM THE ABOVE DRPF.
DURING THE COURSE OF MARC. INVEST. AT 5600 MASTER ST.
3. CASE#: SF-01-007.

If the person from whom the above amount of money and/or property was taken does not sign below, state reason why:

(From whom taken signature)
UNABLE TO SIGN

SIGNER (Signature) 5771

BADGE NO. (Officer) 8771

RECEIVED BY POLICE DEPARTMENT

Arresting or Receiving Officer: (If personal property for safekeeping, Desk Supervisor is the Receiving Officer)

SIGNER (Signature) PO NOLAGHAN 201073

BADGE NO. (Officer) 6061 6061

TRANSFERRED TO EVIDENCE CUSTODIAN/COLLECTOR

I hereby acknowledge receipt of the above listed items.

(Date)

(Time)

(Evidence Custodian/Collector)

RELEASE FROM CUSTODY OF POLICE DEPARTMENT

This will acknowledge the receipt from the Police Department of the City of Philadelphia of the amount of money and/or property listed above, and will constitute the release of the City of Philadelphia and its agencies from any and all future responsibility therefor.

Returned to Owner or Agent

RECEIVED BY (Owner or Agent)

PHILADELPHIA POLICE DEPARTMENT

NFU 07464

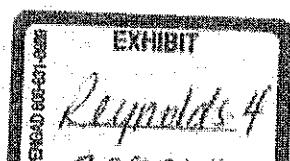
NFU 07470

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Case: 17-2114 Document: 003112628319 Page: 88 Date Filed: 05/19/2017

I, Jeffrey Walker, being duly sworn depose and state that I give the following statement knowingly and under my own volition:

1. My name is Jeffrey Walker and my date of birth is October 6, 1968.
2. I reside at 6444 Woodcrest Avenue, Philadelphia, Pennsylvania, 19151.
3. I graduated from Overbrook High School located in Philadelphia, Pennsylvania in 1987.
4. I was employed with the Philadelphia Police Department from June 28, 1989 until my termination on May 21, 2013.
5. I was arrested on May 21, 2013 by the federal authorities for Hobbs Act Robbery and immediately began to cooperate with the federal government.
6. As a government witness, I testified against my codefendants, Philadelphia Police Officers Thomas Liciardello, Brian Reynolds, Perry Betts, John Speiser, Linwood Norman and Michael Speer at their federal criminal trial in 2015.
7. Pursuant to Section 5K1.1 of the United States Sentencing Guidelines, I received a full downward departure from the Government for testifying truthfully and was sentenced to a 42-month term of imprisonment by the Honorable Eduardo Robreno.
8. On March 30, 2016, I was released from F.C.I. Lexington and began cooperating with the civil rights attorneys in hundreds of cases concerning the wrongful conviction civil lawsuits brought against me and members of my Narcotic Field Unit including Thomas Liciardello, Brian Reynolds, Lt. Robert Otto, Sgt. Joseph McCloskey, Sgt. Chester Mankowski, Brian Monaghan, Perry Betts, John



Case: 17-2114 Document: 003112628319 Page: 89 Date Filed: 05/19/2017

Speiser, Michael Spicer, Sean Kelly, et al. under the lead case of *McIntyre v Police Officer Liciardello*, C.A. No. 13-2773 (E.D. Pa., May 20, 2013).

9. I worked at the 16th Police District (Burglary/Narcotics Division) in Philadelphia, Pennsylvania from in or around 1991 until 1999.

10. In 1999, I transferred to the Narcotics Bureau of the Philadelphia Police Department.

11. I was personally involved in the facts leading to the execution of the search warrants, arrest and prosecution of Dennis Freeman and other individuals involved and associated with Dennis Freeman in the investigation against him in 2000.

12. I have recently had the opportunity to review the Affidavit of Probable Cause, as well as the trial testimony of myself and the testimony of Brian Reynolds given at the criminal trial of Dennis Freeman.

13. One of my partners in that investigation was Brian Reynolds. Brian Reynolds was the lead investigator in the investigation that lead to Dennis Freeman's arrest and subsequent prosecution and was also the police officer who initiated the investigation after obtaining information from a "concerned citizen".

14. Brian Reynolds gave false testimony about the "concerned citizen" because the "concerned citizen" was actually an individual that Brian Reynolds and I had used several times prior to the Freeman Investigation as an unregistered informant. Brian Reynolds also failed to disclose that this individual was personally involved with this investigation and several other investigations when he assisted us in conducting surveillances, permitted us to use his vehicle for stakeouts and gave

Case: 17-2114 Document: 003112628319 Page: 90 Date Filed: 05/19/2017

Brian Reynolds information on other drug dealers so that he could take over their drug locations when they were arrested.

15. Brian Reynolds and I used this unregistered informant who was known to us as "Al", described as a light skinned black male with curly dark hair wearing eye glasses and who resided in the 16th District in the area of 41st and Ogden Streets on numerous occasions while Officer Reynolds and I were detailed to the 16th District. Al assisted us in supplying information in order to set up drug dealers for arrest so that Al could take over that particular dealer's business. We rewarded Al for providing this information by giving him a free pass to continue to engage in his criminal activity. We also tipped Al off about other law enforcement investigations that he was a target in.

16. Al was known to us [Reynolds and myself] to have had a criminal history of drug dealing, robbing drug dealers, as well as being involved in shootouts with other drug dealers.

17. Brian Reynolds identified Al as a "concerned citizen" in the Freeman Investigation in order to make his information more reliable or credible and to appear that he was someone living in the neighborhood who was concerned about stopping drug activity.

18. Brian Reynolds and myself had no regard for Al's safety and we knew that using him as an unregistered informant was in violation of the Philadelphia Police Department Policies and Procedures in regards to the handling of informants and sources of information. We continued to use Al in this manner from the time

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Reynolds and myself were assigned to the 16th District and then for several years after we were transferred to the Narcotics Field Unit.

19. During the Freeman Investigation, I was present in an unmarked vehicle when Brian Reynolds received a telephone call from Al informing Reynolds that he had information about narcotic sales near Al's mechanic shop in West Philadelphia. I was present later when Reynolds ordered Al to go to the area of Jefferson Street to identify Dennis Freeman.

20. I also witnessed Al's personal vehicle parked on Jefferson Street with Al inside waiting for Reynolds to come to the vehicle.

21. Our [Reynolds, other police officers involved in the investigation and myself] intention was to steal money located in these houses, if possible, and/or to articulate [fabricate] evidence to establish the probable cause needed to arrest and prosecute those individuals targeted in the investigation.

22. I was then also present when Brian Reynolds met with Al out of the area of Jefferson Street and discuss Dennis Freeman and other individuals involved in the investigation and heard Al tell Brian Reynolds that the individuals were selling a lot of drugs and that they had a lot of money in their houses.

23. I was present when Reynolds requested that Al drive Reynolds in Al's vehicle to the Jefferson Street location so that Reynolds could hide in Al's van and surveil the block.

24. I saw Reynolds get into the rear of Al's van while Al drove to the block of

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Jefferson Street. Once on Jefferson Street, Al left the van leaving Reynolds alone inside of the van. After a period of time of surveillance, I saw Al come back to the van while Reynolds was still hiding in the van and drive away.

25. I witnessed Brian Reynolds violating Philadelphia Police Department Policy in the Freeman Investigation in handling sources of information, in using unregistered informants and in failing to corroborate information given to him by Al. Brian Reynolds violated these policies and procedures in order to fabricate the probable cause needed to arrest and prosecute Dennis Freeman and other individual involved in the Freeman Investigation.

26. During the pendency of Dennis Freeman's criminal trial, Al was signed up as a confidential informant by Brian Reynolds after questions were raised by Freeman's counsel at pretrial proceedings about the identity of the "concerned citizen", as well as the reliability and trustworthiness of the information given by Al.

27. I was present when Brian Reynolds signed Al up as a registered informant so that there would be no inquiry into Reynolds improper use of Al as a source of information.

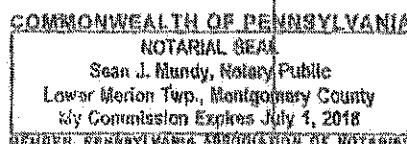
28. Upon information and belief, sometime thereafter, Al committed suicide.

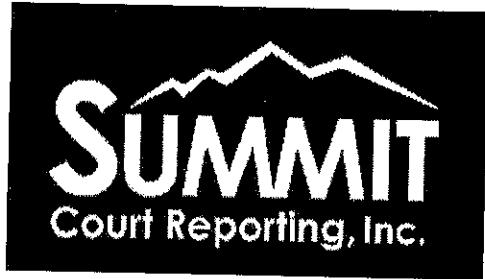
DATED: May 15, 2017

Jeffrey Walker 5/15/17
Jeffrey Walker

Sworn to and subscribed before me on 5/15/17

SJW





Compressed Transcript of the Testimony of
**POLICE OFFICER BRIAN REYNOLDS-VOLUME
II, 9/23/21**

Case: Torain v. City of Philadelphia, et al.

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IN THE UNITED STATES DISTRICT COURT
FOR EASTERN DISTRICT OF PENNSYLVANIA

 KAREEM TORAIN,) NO.: 2:14-cv-01643
 Plaintiff,)
)
 -vs-)
)
 CITY OF PHILADELPHIA, et al.,)
 Defendant.)

VOLUME II

Oral deposition of POLICE OFFICER BRIAN REYNOLDS, was taken pursuant to Notice, held at The United States Courthouse, 601 Market Street, 8th Floor, Pennsylvania, 19106, on Thursday, September 23, 2021, commencing at 10:13 a.m., before Ronald DeShields, Registered Professional Reporter and Notary Public.

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* * * *

(It is hereby stipulated and agreed by and among counsel for the respective parties that all objections, except to the form of the questions, be reserved until the time of trial.)

* * * *

P/O BRIAN REYNOLDS, having been called as a witness, being first duly sworn, was examined and testified as follows:

* * * *

MS. TAYLOR: And if I could just note at the beginning, this is a deposition continuation. Counsel for the City in the first part of the deposition was Joseph Zengova (ph). Because he has left the law department, my name is Anne Taylor and I will be representing the City in this case.

MR. GONZALES: And also just note that the witness is going to read and sign the deposition transcript.

MR. PILEGGI: I guess what I would like to do is, and I don't even know how to do this, since the last deposition was abruptly stopped, I

1 (Pages 135 to 138)

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1 would like to incorporate that deposition into
 2 this record. I don't know -- I've never done this
 3 before, so I'm --

4 MR. GONZALES: It's just a continuation
 5 of the --

6 MS. TAYLOR: Yeah.

7 MR. GONZALES: -- first deposition.
 8 We'll pick up with the same page numbering, it's
 9 all the same.

10 MR. PILEGGI: Okay, but -- off the
 11 record.

12 * * * *

13 (There was a discussion
 14 had off the record.)

15 * * * *

16 MR. PILEGGI: So, let me just put this
 17 on the record.

18 After the completion of this deposition
 19 I will be sending you the first part -- your
 20 agency the first part to incorporate into this
 21 continued deposition.

22 Fair enough?

23 MR. GONZALES: Yes.

24 MR. PILEGGI: Good morning,

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1 Officer Reynolds. I'm going to go through the
 2 instructions again.

3 Of course, this is your deposition.
 4 This is a continuation of the deposition that we
 5 had on July 28th that was ended before we
 6 completed it. So, I'm going to be asking you
 7 again a series of questions. If you know the
 8 answer, just make sure your responses are verbal.
 9 The court reporter on the right of me that is
 10 taking down all the responses, a nod of the head
 11 or shaking of the head, um, the court reporter
 12 can't take that down. So, just make sure
 13 everything's verbal.

14 If you want to take a break we could do
 15 that, we just can't do that while there's a
 16 pending question, you have to answer the question
 17 first. And, lastly, you are under oath.

18 Do you have any questions for me before
 19 we begin?

20 THE WITNESS: No.

21 * * * *

22 DIRECT EXAMINATION

23 * * * *

24 BY MR. PILEGGI:

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1 Q. All right. I want to pick up where we left
 2 off in the last deposition. And I'm referring to the
 3 deposition of July 28th, 2021.

4 Do you recall that?

5 A. Yes.

6 MR. PILEGGI: Okay. At the end of that
 7 deposition -- and I'm going to refer to the page
 8 numbers, so... Give me a second.

9 BY MR. PILEGGI:

10 Q. On Page 118... And by the way, this whole
 11 issue ended on Page 133. On 118 we began discussing a
 12 concerned citizen that you had used in the past named
 13 AI.

14 Do you recall that?

15 A. Yes.

16 Q. And I asked you a series of questions about
 17 your use of AI in criminal investigations.

18 Do you recall that?

19 A. (No audible response.)

20 Q. Generally.

21 A. Yeah, I don't -- I recall you asking me about
 22 the Freeman case, I don't recall you asking me about
 23 other cases.

24 Q. Okay. Now, let's go back. AI also is

Page 142

1 deceased, correct?

2 MR. GONZALES: Objection, asked and
 3 answered.

4 You can answer it again.

5 THE WITNESS: Yes.

6 BY MR. PILEGGI:

7 Q. Do you know when AI died?

8 A. No.

9 Q. Do you know how he died?

10 A. I heard he hung himself in jail. I don't
 11 know if that's true or not, though.

12 Q. Now, were you the one -- the officer that
 13 deactivated AI once he was deceased?

14 A. I don't recall deactivating him.

15 Q. Do you know if anyone deactivated him?

16 A. I have no idea.

17 Q. There would be a Master file with regards to
 18 AI, correct?

19 A. Correct. That should all be in the Integrity
 20 Control Office.

21 Q. But there would be a Master file, correct?

22 A. There would be a file, yes. If he was signed
 23 up as an informant, which I read some notes, and he
 24 seems like he went from the concerned citizen to an

2 (Pages 139 to 142)

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1 informant, yes.

2 Q. You read those notes because you actually did
3 that in conjunction with the case that you were lead
4 officer on.5 MR. GONZALES: Objection. Objection to
6 the form of the question.7 It's compound and you have a comment in
8 there, so can you rephrase the question, please.

9 MR. PILEGGI: Yes.

10 BY MR. PILEGGI:

11 Q. You were actually the one that, lack of a
12 better word, bumped up AI from a concerned citizen to a
13 confidential informant during the pendency of the
14 Freeman case.15 MR. GONZALES: Objection to -- you used
16 the term bumped up.17 If the witness understands what that
18 term means I'll let him answer, but otherwise, um.19 You can answer if you understand what
20 he means.21 THE WITNESS: I don't understand what
22 that term means, bumped up.

23 BY MR. PILEGGI:

24 Q. In other words, during the pendency of the

Page 144

1 Freeman case, where you were lead -- lead officer, and
2 you were the one handling AI -- you understand
3 handling, what I mean by handling?4 A. I wasn't handling AI. AI provided me with
5 information that I went out and then verified.6 Q. Okay. In the pendency of that particular
7 case, the Freeman case, criminal trial, AI went from a
8 concerned citizen to a confidential informant, correct?9 A. I do believe he was signed up as an
10 informant, I don't know exactly when he was signed up.11 Q. Okay. But you were the one that actually
12 provided that information to the court, aren't you?13 A. As I stated, I read some notes on there about
14 it -- about him going from a concerned citizen to an
15 informant, and then the notes stop.

16 Q. Okay.

17 A. There was only a -- several notes that
18 were -- that were given. Or several pages of that
19 hearing that were provided to my attorney.20 Q. But you were the one that provided that
21 testimony at the Freeman trial.22 MR. GONZALES: Objection. If you recall
23 providing the testimony that -- you can answer.
24 If you don't recall then you can answer.

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1 THE WITNESS: I only recall what I
2 read on those several pages. I don't recall
3 exactly what was said at that hearing.

4 BY MR. PILEGGI:

5 Q. Well, I'm asking you your independent
6 recollection of the Freeman case.7 Do you recall AI going from a concerned
8 citizen to a confidential informant?9 MR. GONZALES: Hold on. Objection. He
10 already answered that question.

11 MR. PILEGGI: No, he -- John, please.

12 MR. GONZALES: No, no, you please.

13 MR. PILEGGI: All right. Let's do it
14 this way --

15 MR. GONZALES: Just ask a question.

16 MR. PILEGGI: No, no, no that's fine.
17 That's fine.

18 We'll mark that as Reynolds-1.

19 MR. GONZALES: We already marked four --
20 it looks like we marked four exhibits on day one,
21 so you want to pick up from the next one -- I'm
22 sorry.

23 * * * *

24 (There was a discussion)

Page 146

1 had off the record.)

2 * * * *

3 (Reynolds Exhibit 5 was
4 marked for identification.)

5 * * * *

6 MR. PILEGGI: Officer Reynolds, I'm
7 showing you what's been marked as Reynolds-5.
8 BY MR. PILEGGI:

9 Q. Obviously that's a transcript, correct?

10 A. (No audible response.)

11 Q. Is that a yes?

12 A. Yes.

13 Q. Okay. And it's a transcript in the Freeman
14 case, correct?

15 A. (No audible response.)

16 Q. United States versus Freeman?

17 A. Correct. And Brian Johnson.

18 Q. That was a case -- do you independently
19 recall testifying in that case as one of the officers
20 that -- involved in the investigation and the arrest of
21 Dennis Freeman?

22 A. Correct, I testified in that case.

23 Q. Okay. In fact, you were the Affiant in that
24 case, am I correct?

3 (Pages 143 to 146)

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1 A. I was.
2 Q. And that -- in particular that, um,
3 Reynolds-5 that I'm showing you, was a motion to
4 suppress.
5 Am I correct?
6 MR. GONZALES: Well, do you not
7 want him to read it, or is it based on his
8 independent recollection?
9 MR. PILEGGI: No, I want him to read it.
10 MR. GONZALES: You want him to read it.
11 MR. PILEGGI: Yes.
12 MR. GONZALES: Because the record speaks
13 for itself. I mean, you handed a court
14 transcript. The transcript says: Hearing before
15 the Honorable Robert F. Kelly, United States
16 District Court Judge. Then it has a list of
17 appearances --
18 MR. PILEGGI: I'd rather have him read
19 it, John, not you. It's his deposition.
20 MR. GONZALES: I understand. But you're
21 using a court document --
22 MR. PILEGGI: I asked him a simple
23 question, is that a transcript of a motion to
24 suppress? And you can look on the front page.

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1 from me in here, yes. I see it on Page 12.
2 BY MR. PILEGGI:
3 Q. And, again, generally, if you want to look
4 through there, was there testimony with regards to
5 information provided by the quote, unquote, concerned
6 citizen?
7 A. I'm going to read it. It would have probably
8 been nice to have this beforehand but --
9 MR. GONZALES: Do you want -- I'm
10 confused here, Michael.
11 Do you want him to just read the
12 transcript and confirm what is already reflected
13 in the transcript?
14 MR. PILEGGI: I'm asking him
15 generally --
16 MR. GONZALES: Because he doesn't
17 recall.
18 MR. PILEGGI: -- was there testimony
19 with regards to the concerned citizen. If he
20 wants to leaf through it and look at it that's
21 fine.
22 MR. GONZALES: I mean, I'm going to
23 object. The record speaks for itself. There was
24 a hearing, and if it was mentioned it was

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1 You can look on the front page.
2 MR. GONZALES: It doesn't say on the
3 front page.
4 MR. PILEGGI: Does it say a pretrial
5 hearing?
6 MR. GONZALES: No, it does not.
7 BY MR. PILEGGI:
8 Q. What does it say?
9 MR. GONZALES: I just read it.
10 THE WITNESS: It says: A hearing before
11 the Honorable Robert F. Kelly, United States
12 District Court Judge.
13 BY MR. PILEGGI:
14 Q. Okay. Do you independently recollect
15 appearing at that hearing and testifying?
16 A. No.
17 Q. Okay. Do you want to look -- do you want to
18 look through it generally and see if you were --
19 actually testified in there
20 * * * *
21 (There were comments
22 made off the record.)
23 * * * *
24 THE WITNESS: There is some testimony

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1 mentioned and would be reflected in transcript.
2 We can take a break and he can review
3 the 57 pages of the transcript if that would help,
4 but, you know.
5 MR. PILEGGI: I asked him about his
6 independent recollection. So, if he doesn't
7 recollect that's his answer.
8 THE WITNESS: I don't recollect.
9 MR. PILEGGI: Okay.
10 BY MR. PILEGGI:
11 Q. So, during the pendency of the Freeman case,
12 do you ever recollect any issue with regards to your
13 confidential -- I'm sorry, your concerned citizen?
14 A. As I stated, I read something that was turned
15 over, and there were some pages where mentioned a
16 concerned citizen going to the confidential informant
17 and then it stops. That's all I remember reading those
18 pages, I did not -- this is the first time I'm seeing
19 this.
20 Q. As that was --
21 A. It would have been nice to have this prior to
22 coming today.
23 Q. Okay. But that was something that you
24 testified, correct?

4 (Pages 147 to 150)

Page 151

1 A. What do you mean it was something that I
2 testified? I don't recall --
3 Q. About the concerned citizen -- going from a
4 concerned citizen to a confidential informant?
5 A. Yes --
6 Q. That was your testimony.
7 A. -- in the pages that I read, yes. There was
8 only like three to five pages of it that I read, and
9 then the transcript stopped.
10 Q. Okay. Now, do you recall the court
11 compelling AI to go in and speak with defense counsel
12 with regards to the information that he provided in the
13 Freeman case?
14 A. You mentioned that at the last deposition, I
15 don't recall that independently.
16 Q. Okay. Do you recall speaking with AI, um,
17 during the pendency of the Freeman case with regards to
18 either his testimony or your own?
19 A. I don't recall.
20 Q. How many times did you use AI before the
21 Freeman case?
22 A. I have no idea.
23 Q. But as you testified previously, you used him
24 several times.

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1 A. He provided information several times, yes.
2 Which we then -- which I then went out and verified.
3 Q. Now, when he was made a confidential
4 informant, that means he signed up, correct?
5 A. Correct. There's a packet that has to be
6 filled out with him, and then it gets reviewed by the
7 Integrity Control, and then they give you the approval
8 for him to be an informant or not.
9 Q. And that would be something that would be
10 contained in the Master file?
11 A. That would be something the Integrity Control
12 Unit, or office should have, yes.
13 Q. And they would maintain --
14 A. I don't know what you mean by "Master file".
15 Q. Well, there's a file --
16 A. There's a file --
17 Q. -- for a confidential informant.
18 A. It's not called a master file. Like you
19 said, there's forms that have to be filled out, certain
20 things have to be signed. There's record checks that
21 have to be done. Then everything is turned over to the
22 Integrity Control office, they're the ones that provide
23 the confidential informant number. They're the ones
24 that approve the informant getting signed up. They're

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1 the ones that give the okay.
2 Q. Were you the one that -- I know you didn't
3 personally sign him up, but were you the one that
4 directed AI to the police department so that he could
5 be signed up?
6 A. I don't recall that. I don't even recall if
7 I was the one or not that signed him up.
8 Q. Well, you were the one that got the
9 information from AI when he was a concerned citizen
10 with regards to Freeman, correct?
11 MR. GONZALES: Objection, asked and
12 answered.
13 You can answer it again.
14 THE WITNESS: Yes.
15 BY MR. PILEGGI:
16 Q. And that was something that was memorialized
17 in the Affidavit of Probable Cause for the Freeman
18 case?
19 A. Correct.
20 MR. PILEGGI: Mark that Reynolds-6.
21 * * * *
22 (Reynolds Exhibit 6
23 was marked for identification.)
24 * * * *

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1 BY MR. PILEGGI:
2 Q. You've been shown what's been marked as
3 Reynolds-6.
4 First of all, what is that?
5 A. It's the Affidavit of Probable Cause.
6 Q. For what case?
7 A. For the Dennis Freeman case.
8 Q. Okay. By the way, and I know you testified
9 to this previously and it's part of the record, but
10 this was a case that Mr. Freeman complained about to
11 the Internal Affairs, correct?
12 A. There was a complaint that was made to
13 Internal Affairs, yes.
14 Q. Okay. And you had to give a statement in
15 conjunction with that investigation?
16 A. I believe I did, yes.
17 Q. As well as Officer Kelly?
18 A. I don't recall who else had to give
19 statements.
20 Q. Okay. But you did, right?
21 A. I believe I did, yes.
22 MR. PILEGGI: All right. I just want to
23 read the first line and ask you a couple
24 questions. It says: Police Officer Reynolds,

5 (Pages 151 to 154)

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1 Badge Number 43 --

2 MR. GONZALES: I'm going to stop right
3 there. You're referring to statements that were
4 given to Internal Affairs. Do you have copies of
5 those statements, because they were not produced.

6 MR. PILEGGI: I know. I'll get to it,
7 John.

8 MR. GONZALES: No, I'm asking you now,
9 do you have copies --

10 MR. PILEGGI: You can make the objection
11 when it comes up, John.

12 MR. GONZALES: No, no, no. I'm asking
13 you on the record do you have relevant documents
14 pertaining to statements --

15 MR. PILEGGI: No.

16 MR. GONZALES: -- given by my client to
17 Internal Affairs --

18 MR. PILEGGI: No.

19 MR. GONZALES: -- involving the Freeman
20 case?

21 MR. PILEGGI: No. And I'm going to put
22 on the record that I want those statements.

23 Okay. They should be produced in discovery.
24 Along with the Master file, if that's what it's

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1 called, by the way.

2 THE WITNESS: Okay. Thank you.

3 MR. PILEGGI: I'm going to put that on
4 the record. But we'll get to that.

5 MR. GONZALES: So, you don't have copies
6 of the Internal Affairs statements, is that what
7 you're saying?

8 MR. PILEGGI: I just said no.

9 I'm going to start again. Police
10 Officer Reynolds, badge number 4268, received
11 information from a concerned citizen regarding the
12 illegal sales of narcotics on the Highway of 5500
13 Lansdowne Avenue.

14 Do you see that?

15 THE WITNESS: Yes.

16 BY MR. PILEGGI:

17 Q. So, AI, we know now -- the concerned citizen
18 was AI, correct?

19 A. Yes.

20 Q. Okay. So AI gave you information with
21 regards to illegal drug sales on 5500 Lansdowne Avenue,
22 correct?

23 A. Yes.

24 Q. That's how this whole investigation started.

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1 A. Correct.

2 Q. Now, at the time that you received this
3 information -- and by the way, this is -- report dated
4 is August 30th, 2000, correct?

5 A. Yes.

6 Q. All right. At that point you were aware that
7 AI was a convicted felon.

8 A. I don't recall what AI was convicted for. If
9 you show me a criminal record I'd be able to tell you.

10 Q. Well, did you bother pulling his criminal
11 record when you -- doing several jobs with him?

12 A. You say "several jobs". I only remember
13 doing this job with AI. I don't remember what other
14 jobs were done with AI. And, no, there was -- I did
15 not do a criminal record check on AI.

16 Q. Okay. At any point did you do a records
17 check on him?

18 A. As I stated before, you'd have to do one if
19 he was signed up as an informant there would be one
20 done. There would also be done -- one done by the
21 Integrity Control Unit Office.

22 Q. So, based on this line, what exactly was so
23 concerning? How was he a concerned citizen, AI?

24 A. That was the wordage I used for the

Page 158

1 Affidavit.

2 Q. I know that you used it, it's in the report.

3 A. Okay.

4 Q. What does it mean?

5 A. It means he's a concerned citizen who told me
6 about illegal sales of narcotics.

7 Q. Now, you couldn't use that concerned citizen
8 status on other cases could you if -- before AI was
9 signed up as a confidential informant?

10 MR. GONZALES: Objection. I don't
11 understand that question at all. Can you please
12 rephrase.

13 MR. PILEGGI: You don't have to
14 understand.

15 MR. GONZALES: Do you understand the
16 question?

17 THE WITNESS: I do not.

18 MR. PILEGGI: Of course he doesn't.

19 BY MR. PILEGGI:

20 Q. Could you use AI as a concerned citizen on
21 other cases before or after Freeman?

22 A. If he provided me the information.

23 Q. You could. So, what -- exactly what is the
24 criteria that you have to follow with the police

6 (Pages 155 to 158)

Page 159

1 policies to make him from a concerned citizen to a
2 confidential informant?
3 A. As I stated, there's paperwork that has to be
4 done for him to go from -- to be signed up as a
5 confidential informant. There's a whole --
6 Q. That's the procedure.
7 A. There's a whole packet that has to be done,
8 yes.
9 Q. I understand that, that's the procedure.
10 What is the policy? In other words, why
11 is someone a concerned citizen as opposed to a
12 confidential informant?
13 A. Because he was a concerned citizen at the
14 time, he wasn't a confidential informant.
15 Q. Right. I know that.
16 A. Okay.
17 Q. But what made him a confidential informant
18 later on in the Freeman case?
19 A. Probably after this case he saw -- the
20 magnitude of it and the drugs that were recovered, he
21 probably wanted to be compensated for it, so then he
22 probably wanted to be -- I couldn't pay him being a
23 concerned citizen. So, at that point he then would
24 have to be signed up as an informant to be paid for

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1 MR. GONZALES: Objection. When you
2 say "now we know," what --
3 MR. PILEGGI: Yeah, now we know.
4 MR. GONZALES: How do --
5 MR. PILEGGI: John, stop.
6 MR. GONZALES: Well, you're making a
7 conclusion.
8 MR. PILEGGI: This is my deposition.
9 Stop with the --
10 MR. GONZALES: No, the question is
11 inappropriate --
12 MR. PILEGGI: Well, then if he doesn't
13 understand --
14 MR. GONZALES: Instead of saying a
15 conclusion say was -- you can ask an open-ended
16 question --
17 MR. PILEGGI: John, stop. Stop.
18 MR. GONZALES: -- was this AI the same
19 as that AI.
20 MR. PILEGGI: I'm requesting --
21 MR. GONZALES: Instead of saying --
22 MR. PILEGGI: -- that you stop
23 interrupting --
24 MR. GONZALES: -- you know now, as if

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1 this case.
2 If he was paid. I don't even know if he
3 was paid or not.
4 Q. Let me ask you, I only want you to testify as
5 to your personal recollection. You just said probably
6 this, probably that. I don't want you to guess --
7 A. I have -- I have no recollection. I'd have
8 to see paperwork to say when he was signed up as an
9 informant, if he was paid as an informant. That's
10 paperwork that I'd have to see in order to give you the
11 answer that you want.
12 Q. So, you're saying you could not give him any
13 compensation as a concerned citizen, only as a
14 confidential informant.
15 A. Correct.
16 Q. Okay. What about a confidential source,
17 what's the difference between a confidential source and
18 a concerned citizen?
19 A. As I stated before, they're basically the
20 same. It all depends on what wordage the officer wants
21 to use, who's doing the Affidavit of Probable Cause or
22 the paperwork.
23 Q. Okay. Now, we now know also that AI was also
24 a source of information in the Torain case, correct?

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1 it's a true statement.
2 MR. PILEGGI: John, I'm requesting that
3 you stop interrupting. Let him answer.
4 THE WITNESS: Repeat your question.
5 BY MR. PILEGGI:
6 Q. Are you aware that AI was the same source of
7 information in the Freeman case as he was in the Torain
8 case?
9 A. I'm not aware of that. You'd have to ask
10 Monaghan that, he was the investigator in that case.
11 Q. So, while you were working in the pendency of
12 the Torain case, you had no idea who the source of
13 information was.
14 A. Correct.
15 Q. Is that your testimony?
16 A. Correct. You'd have to ask Monaghan that.
17 Q. So, let's go down. Now, and I'm referring to
18 Reynolds-6, the Affidavit.
19 By the way, you were the eyes on this
20 investigation as well, correct?
21 MR. GONZALES: Wait a minute. Which
22 investigation, Torain or Freeman?
23 MR. PILEGGI: I'm talking about 6.
24 Reynolds-6.

7 (Pages 159 to 162)

<p style="text-align: right;">Page 163</p> <p>1 MR. GONZALES: Freeman, okay. 2 Sorry, go ahead. 3 THE WITNESS: Yes, I was. And there was 4 other officers -- 5 BY MR. PILEGGI: 6 Q. You were the Affiant -- 7 A. There was other officers that did 8 observations also. 9 Q. Right. But you were the Affiant as well as 10 the one surveilling Freeman at the very least, as well 11 as other individuals that were also arrested in that 12 case. 13 A. Correct. 14 Q. All right. And you were running the show, 15 you were the lead investigator, correct? 16 A. I was the assigned investigator in this case, 17 yes. 18 Q. All right. And you were the lead assigned 19 investigator because AI was your source of 20 information. 21 A. I was the investigator in this case, yes. 22 Q. Because AI was your source of -- 23 A. I was given the information, I went out to 24 verify the information, yes.</p>	<p style="text-align: right;">Page 165</p> <p>1 A. I don't recall that. 2 Q. Would that be in some kind of notes? 3 A. I don't know. 4 Q. What do you mean you don't know? 5 A. (No audible response.) 6 Q. You take notes, right? 7 A. Take notes when? 8 Q. When you're doing a surveillance? 9 A. Correct. And then everything is put onto the 10 Affidavit of Probable Cause. 11 Q. Okay. So you take notes. 12 A. Correct. 13 MR. GONZALES: He just said yes. Asked 14 and answered. 15 Why are you arguing with the witness. BY MR. PILEGGI: 16 Q. So, where are the notes with regards to the 17 Freeman job, do you know? 18 A. They're all put into the Affidavit. 19 Q. No. That's not what I asked you. 20 A. Where are the written notes? 21 Q. Where are the written notes that you took 22 during your surveillance that was later incorporated 23 into the Affidavit?</p>
<p style="text-align: right;">Page 164</p> <p>1 Q. Now, did AI participate in any way in this 2 investigation, other than giving information? 3 A. No. 4 Q. Nothing. He did nothing else. 5 A. Did nothing else. 6 Q. You independently recollect that? 7 A. Correct. 8 Q. Okay. If you look down at the bottom of the 9 first page. It says: On 8/31/2000, at approximately 10 3:30, Police Officer Reynolds, badge number 4268, 11 returned to 5412 Jefferson Street to conduct another 12 surveillance for illegal activity. 13 Let me just ask you this, what do you 14 mean another surveillance? You had been out there 15 before? 16 A. Yes. As you see, I was out there on the 17 30th. 18 Q. And is it fair to say you were out there the 19 day before? 20 A. Yes. 21 Q. Okay. How long of a time between the time 22 that AI gave you the information until you went up and 23 set up surveillance to independently corroborate what 24 he told you?</p>	<p style="text-align: right;">Page 166</p> <p>1 A. Probably in the trash. 2 Q. Well, I don't want you to guess. 3 A. I don't -- I don't recall where the notes 4 are. 5 Q. Okay. Did you ever provide them to the US 6 Attorney that was trying the case? 7 A. I don't know if I was asked about that or 8 not. I don't recall. 9 Q. I didn't ask you that. 10 Did you ever provide -- 11 MR. GONZALES: He said he doesn't 12 recall. 13 MR. PILEGGI: He said he didn't know if 14 he was asked that. 15 MR. GONZALES: And then he said he 16 didn't recall. 17 MR. PILEGGI: It was a good question. 18 MR. GONZALES: He answered the 19 question. BY MR. PILEGGI: 20 Q. Do you recall giving those notes to the US 21 Attorney? 22 A. I do not recall that. 23 Q. Okay. So, I'm going to go back. This is</p>

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1 Line 2: At approximately 3:45, this is about 15
2 minutes after you set up surveillance. At
3 approximately 3:45 a black male, Number 5, wearing a
4 blue T-shirt, blue jean shorts, with a beard and white
5 sneakers, exited and got into a green Pontiac
6 Bonneville, tag number DKC-3310.

7 Do you recall taking notes about that
8 tag number?

9 A. I had to have, because it's in the Affidavit
10 of Probable Cause.

11 Q. Okay. And they were notes that you later
12 incorporated into this Affidavit.

13 A. Correct.

14 Q. And you were the one that actually observed
15 the green Pontiac Bonneville, DKC-3310, right?

16 A. Correct.

17 Q. The next line: Black male, Number 5, then
18 left the area and went to the area of Allison Street
19 and Lansdowne Avenue at approximately 3:55 p.m.

20 Do you see that?

21 A. Yes.

22 Q. That's something you surveilled, right?

23 A. I don't know if I was the one that followed
24 him over to Allison Street. I don't recall if I was or

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1 not.

2 Q. Well, if somebody else surveilled that you
3 would have to incorporate that in the Affidavit,
4 wouldn't you?

5 A. (No audible response.)

6 Q. If another officer surveilled that?

7 A. Yeah, but another officer's not mentioned --
8 but I don't recall if that was me or not, to be honest
9 with you.

10 Q. But --

11 A. If it was another officer it would have
12 indicated that, yes.

13 Q. So, we can all agree that the whole paragraph
14 starts with you doing the surveillance, you alone.

15 A. Correct.

16 Q. All right. Were you partnered up that day?

17 A. I don't believe I was, no.

18 Q. Next page it says: The green Bonneville then
19 returned to 5412 Jefferson Street, at which time black
20 male beeped, and a black male, Number 1, ID'd as Dennis
21 Freeman, exited 5412 Jefferson Street carrying a bundle
22 of... It looks like crack cocaine, but it's cut off.

23 A. Crack cocaine.

24 Q. And got into his green Bonneville.

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1 A. Got into the green Bonneville.

2 Q. Right. Okay. So, you actually saw
3 Mr. Freeman with crack cocaine?

4 A. Yes.

5 Q. Okay.

6 A. That's what it says.

7 Q. All right. And, again, we can all agree that
8 that was you that observed that, correct, no other
9 officer.

10 A. Correct.

11 Q. The green Bonneville then left the area.

12 Police Officer Reynolds, 4268, gave a description and
13 direction to back up officers.

14 Police Officer Kelly, Badge Number 7126,
15 Police Officer Walker, 37, I think it's 30, but it's
16 cut off, and Police Officer Norman, 5214, then
17 conducted a roving surveillance of the green Bonne --
18 Pontiac Bonneville, correct?

19 A. Correct.

20 Q. All right. Now, let me ask you this, and
21 this is based on -- I want you to base this on your
22 independent recollection, it's nothing on the sheet
23 that says this: Black male Number 5, who is driving
24 that green Bonneville, got away in the Freeman case,

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1 correct?

2 A. Was never identified, yes.

3 Q. Was never apprehended.

4 A. Never apprehended. I don't know who -- to
5 today who that person was.

6 Q. Everyone else was arrested, tried, and
7 convicted, correct?

8 A. If it's what you're telling me. I don't
9 recall the criminal status of it, but, yes.

10 MR. PILEGGI: Well, let's -- all right.

11 Let's go down about the middle of the
12 page.

13 BY MR. PILEGGI:

14 Q. It says: Black male Number 1. Do you see
15 that in parentheses, it says Dennis Freeman.

16 A. Yes.

17 Q. All right. Black male Number 1, Dennis
18 Freeman, then jogged back over to the green Pontiac
19 Bonneville.

20 Now, you saw this green Pontiac
21 Bonneville several times, you personally, correct?

22 A. Just on that -- on the 31st, yes.

23 Q. Okay. And that's something that, again, you
24 personally observed --

9 (Pages 167 to 170)

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1 A. Correct.
2 Q. -- what I just read.
3 A. Correct.
4 Q. The roving surveillance officers then
5 followed the green Pontiac Bonneville back to 5412
6 Jefferson Street.
7 Correct?
8 A. Where does that say that at, sir.
9 Q. The next line. The roving surveillance
10 officers then followed the green Pontiac Bonneville
11 back to 5412 Jefferson Street.
12 A. Yes, I see that.
13 Q. Then it says: Police Officer Reynolds, 4268,
14 then observed black male Number 1, Dennis Freeman, and
15 black male Number 5, who's not identified, go into 5412
16 Jefferson Street.
17 Do you see that?
18 A. Yes.
19 Q. Black male Number 1, Dennis Freeman, was also
20 carrying the brown bag that he got in -- got from 5507
21 Master Street. At approximately 4:45 Police Officer
22 Reynolds, 4268, observed black male Number 5 exit 5412
23 Jefferson Street and leave the area in the green
24 Bonneville at approximately 4:50. Wait, I cut off that

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1 MR. GONZALES: Can you just re-ask that
2 question.
3 MR. PILEGGI: Yeah, I will. I will.
4 BY MR. PILEGGI:
5 Q. You observed Mr. Torain leave 1628 Conestoga
6 Street and go down the street to...
7 To 1628 North 55th Street.
8 A. Correct. You said it was 1628 North
9 Conestoga, I believe the address is 1621.
10 Q. That's right.
11 A. North Conestoga.
12 Q. You're correct.
13 A. And anyone around there --
14 Q. And just for clarity's sake, he left 1621
15 Conestoga Street, went down the street, maybe a block
16 or so, and entered 1628 North 55th Street.
17 A. Yes.
18 Q. And that's something you actually observed.
19 A. Yes.
20 Q. All right. Did you observe him when he went
21 from Conestoga to 55th Street, did you observe him in
22 the green Bonneville?
23 A. Yes.
24 Q. You personally.

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1 approximately 4:50, that's -- let me read it again.
2 Black male Number 5 exited 5412
3 Jefferson Street and leave the area in a green
4 Bonneville, period.
5 Do you see that?
6 A. Correct.
7 Q. That's something you observed again --
8 A. Yes.
9 Q. -- correct? That Bonneville was never seen
10 again, was it?
11 A. It was not.
12 Q. Until we get to the Torain case. Then you
13 observed that green Bonneville again, didn't you?
14 A. I seen a green Bonneville, yes.
15 Q. In fact, you arrested Mr. Torain in the green
16 Bonneville, correct?
17 A. I did.
18 Q. And you saw that green Bonneville after you
19 previously testified, and this is in the last
20 deposition that, um, he left his home at 1628 Conestoga
21 Street, and entered the unit at 5510
22 Mas -- I'm sorry -- strike that. 5510 North...
23 A. 1628 North 55th Street.
24 Q. Correct, thank you.

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1 A. Yes.
2 Q. Did you -- before he left Conestoga did you
3 see him -- personally see him drive the green
4 Bonneville from Master Street, where the surveillance
5 was set up, to Conestoga Street?
6 A. I believe that was another -- that was
7 another officer that did that.
8 Q. So, you were at the scene of Conestoga
9 Street, um, setting up surveillance when he left
10 Conestoga to go to 55th.
11 A. Correct. He was followed from Master over to
12 Conestoga. I then picked up the surveillance on
13 Conestoga Street.
14 Q. To 55th Street.
15 A. Yes.
16 Q. Okay. And he was in a green Bonneville?
17 A. Yes.
18 Q. How far was Conestoga from 55th Street?
19 A. I think it's right around the corner.
20 Q. Okay. Where did he park the car?
21 A. I don't recall.
22 Q. Do you think he parked it across the street
23 from the 55th Street?
24 A. I just said I don't recall.

10 (Pages 171 to 174)

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1 Q. Were you aware that his grandmother lived
 2 at -- right in -- right across the street from 55th
 3 Street?
 4 A. I was not.
 5 Q. Do you recall seeing Mr. Torain leave 55th
 6 Street?
 7 A. I don't believe I was the one that saw him
 8 leave 55th Street, another officer did.
 9 Q. But you saw him go in.
 10 A. Correct.
 11 Q. Did you see him go in with a key?
 12 A. Correct.
 13 Q. Did you see where he went into when he went
 14 in there?
 15 A. No.
 16 Q. Sometime later though, you went back to 55th
 17 Street with other officers and attempted to gain entry
 18 into one of the apartments in that rooming house on
 19 55th Street, correct?
 20 A. There was an apartment that was secured
 21 inside that building, yes.
 22 Q. You tried to actually enter the premises.
 23 When I say "premise," I mean the apartment.
 24 MR. GONZALES: Objection. Mike, didn't

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1 we already cover all this. I thought we
 2 covered all this already, you talked about going
 3 over the threshold --
 4 MR. PILEGGI: Yeah, but unfortunately we
 5 stopped the deposition, so I got to backtrack so I
 6 can ask questions based on that.
 7 MR. GONZALES: Objection. It's asked
 8 and answered, but...
 9 THE WITNESS: Yes, we went back to
 10 secure that property at some point.
 11 BY MR. PILEGGI:
 12 Q. Who was there with you?
 13 A. Um, it would have been Monaghan, because it
 14 was his investigation. I believe Kelly, I believe
 15 Walker. I'm not sure of the other officers, if there
 16 was other officers. And there would have been a
 17 supervisor with us.
 18 Q. Now, Walker testified -- are you aware that
 19 Mr. Walker gave testimony with regards to the Torain
 20 case, right?
 21 A. I am.
 22 Q. You were in the courtroom at the time,
 23 correct?
 24 A. Correct.

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1 Q. So you heard his testimony?
 2 A. Correct.
 3 Q. Do you recall Mr. Walker saying that
 4 yourself, Walker, and Monaghan huddled up and discussed
 5 how you were going to link Mr. Torain to the particular
 6 apartment in 55th Street?
 7 A. I remember there was testimony to that.
 8 Q. And what's your response, did that happen?
 9 A. Not at all.
 10 Q. He's lying?
 11 A. That's correct.
 12 Q. Okay. Do you recall Mr. Walker testifying
 13 that officers were inside the unit, before you arrived
 14 with the key from Monaghan to open the door?
 15 A. I don't recall that testimony, no.
 16 Q. Okay. But you were at the scene correct,
 17 after -- at some point after Mr. Torain was arrested?
 18 A. Correct. As I stated, we went back there to
 19 secure the property with other officers and Officer
 20 Monaghan, because he --
 21 Q. You were part of that group?
 22 A. I was.
 23 Q. Okay. You also made another arrest didn't
 24 you, immediately following Mr. Torain's arrest?

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1 A. Correct.
 2 Q. Do you remember that?
 3 A. I do.
 4 Q. Where was that -- where was the arrest?
 5 A. In the area of 55th and Market.
 6 Q. How far was that from the 55th Street
 7 apartments?
 8 A. Between one and thirty blocks, maybe.
 9 Q. Okay. Was it closer to one or closer to
 10 thirty?
 11 A. I don't remember the exact -- how many blocks
 12 it was. It was between one and thirty I'd say, give or
 13 take.
 14 Q. Do you recall when that arrest was in
 15 conjunction with Mr. Torain's arrest? In other words,
 16 was it five minutes later, ten minutes later?
 17 A. It was after Torain's arrest, I don't know
 18 the exact time.
 19 Q. Why was that individual arrested?
 20 A. He was one of Monaghan's targets I believe
 21 that was out on Master Street.
 22 Q. Were you directed to arrest him?
 23 A. I was.
 24 Q. By who?

11 (Pages 175 to 178)

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1 A. Officer Monaghan.
 2 Q. Was anyone with you at that arrest?
 3 A. I was by -- I was in my own car. I believe
 4 Officer Walker was in another car, and then I believe
 5 there was a uniformed Sergeant that may have been
 6 there.
 7 Q. Who was that sergeant?
 8 A. I have no idea.
 9 Q. Could it have been Corporal Sinclair?
 10 A. He wouldn't have been in uniform, so no.
 11 Q. Could it have been Sergeant Gesner?
 12 A. I just stated that person was in uniform.
 13 Gesner and Sinclair wouldn't have been in uniform, to
 14 the best of my recollection.
 15 Q. Okay. So, all the officers that were worked
 16 this investigation, meaning the Torain investigation,
 17 were all plainclothes?
 18 A. Yes. And then that day that we were doing
 19 the warrants, I believe that there was uniform
 20 assistance at some point.
 21 Q. When Mr. Torain was arrested, you testified
 22 that you had two uniform officers transport him to, I
 23 guess, 55th and Pine.
 24 Is that correct?

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1 A. There was a marked unit that assisted with
 2 that arrest, yes.
 3 Q. Was there a uniform supervisor present during
 4 Mr. Torain's arrest?
 5 A. Not that I recall.
 6 Q. Now, let's go back to -- when Mr. Torain was
 7 arrested -- strike that.
 8 When he left the unit, is that when you
 9 picked up surveillance? And when I say "the unit," I
 10 mean 55th Street.
 11 A. That's when I followed him out of the area,
 12 yes.
 13 Q. Where were you located when you first picked
 14 up surveillance of him coming out?
 15 A. I don't recall. I don't recall where I was.
 16 Q. You were in a plain -- an unmarked car,
 17 correct?
 18 A. Correct.
 19 Q. So, you followed him approximately nine
 20 blocks, ten blocks before he was arrested?
 21 A. I stated before, I think it was between one
 22 and twenty blocks, yeah. I don't know exactly how many
 23 block it was.
 24 Q. Now, you knew the car he was driving, the

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1 green Pontiac Bonneville, plate number DKC-3310, when
 2 you were following him, right?
 3 A. (No audible response.)
 4 Q. You remember that, don't you?
 5 A. I didn't remember it.
 6 MR. GONZALES: What do you mean do you
 7 remember that? Remember that from when?
 8 BY MR. PILEGGI:
 9 Q. Do you remember that from the Freeman case,
 10 the same car of the individual that got away?
 11 A. Not at all.
 12 Q. You didn't recall that at all.
 13 MR. GONZALES: Hold on. Asked and
 14 answered.
 15 Now you're argumentative.
 16 BY MR. PILEGGI:
 17 Q. You didn't recall that at all.
 18 A. Not at all.
 19 THE WITNESS: Sorry.
 20 MR. GONZALES: That's okay.
 21 BY MR. PILEGGI:
 22 Q. Well, that was -- now that was -- the Freeman
 23 investigation was about four months before this
 24 investigation, correct?

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1 A. Correct.
 2 Q. All right. So, let's just recap a little
 3 bit.
 4 We have some of the same target houses
 5 as in the Freeman investigation as is in the Torain
 6 investigation, right?
 7 A. No.
 8 Q. You sure about that? 5507 Master.
 9 A. Monaghan was 5600 block.
 10 Q. Okay. Wasn't there some 5600 block of Master
 11 Street houses that were targeted in the Freeman?
 12 A. I don't believe so. No, it was only 5412 and
 13 55 - 5412 Jefferson Street, and 5507 Master Street.
 14 Q. Okay. We know we have -- well, potentially
 15 we have the same person giving the information,
 16 correct?
 17 A. (No audible response.)
 18 MR. GONZALES: Objection. Same -- are
 19 you talking about the source?
 20 MR. PILEGGI: Yes.
 21 MR. GONZALES: Okay.
 22 Do you understand his question?
 23 MR. PILEGGI: -- concerned
 24 citizen.

12 (Pages 179 to 182)

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1 THE WITNESS: Right.
2 MR. GONZALES: He already asked that.
3 He already answered that. He said he didn't
4 know.
5 Asked and answered. Objection.
6 THE WITNESS: I know who the concerned
7 citizen was in the Freeman case, I don't know who
8 Officer Monaghan's confidential source was. You'd
9 have to ask Monaghan that.
10 BY MR. PILEGGI:
11 Q. And just so we're clear, AI was from the 16th
12 District, correct?
13 A. He was.
14 Q. So, we have the same car, but you just don't
15 recall that it was the same car, right?
16 A. I do not. I didn't recall.
17 Q. When did you become aware that that green
18 Pontiac Bonneville, tag number DKC-3310, was the same
19 car that was involved in the Freeman investigation?
20 A. Yesterday, when Mr. Gonzales showed me a PARS
21 Report.
22 Q. So, the whole time you tried this Torain case
23 if didn't dawn on you that it was the same car.
24 A. Correct.

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1 Q. And just for the record, the black male
2 Number 5 in the Freeman case was never apprehended,
3 correct?
4 MR. GONZALES: Objection, asked and
5 answered.
6 You can answer it again.
7 THE WITNESS: Correct.
8 BY MR. PILEGGI:
9 Q. Now, going back to the Freeman case, do you
10 recall going into the Defense Attorney's office with
11 AI, so that AI could speak with the defense attorneys?
12 A. I don't recall that.
13 Q. Did you hear from anyone, US Attorney,
14 defense attorneys, anyone involved in the case, that AI
15 went, gave his name, was there for two minutes and ran
16 out?
17 A. I don't recall that.
18 Q. And the US Attorney on that case was Curtis
19 Douglas, correct?
20 A. Correct.
21 Q. And you had discussions with Mr. Douglas with
22 regards to the investigation, correct?
23 A. I'm sure we did.
24 Q. And you had discussions with Mr. Douglas

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1 about the concerned citizen AI, correct?
2 A. I'm sure we did.
3 Q. Was there any concerns on Mr. Douglas' part
4 about using AI in this -- in this investigation,
5 Freeman investigation?
6 A. You'd have to ask Mr. Douglas that.
7 Q. No, I'm asking you.
8 A. I don't know what Mr. Douglas thought.
9 Q. Did he express any concerns to you that
10 perhaps AI needed to be made a confidential informant?
11 A. Not that I recall.
12 Q. Do you recall any concerns from the court,
13 the judge, when you were giving testimony about this
14 concerned citizen?
15 A. I don't recall.
16 Q. And you were aware, when you were using AI as
17 a concerned citizen, that he had already been convicted
18 of a criminal offense.
19 MR. GONZALES: Objection. You've asked
20 him --
21 MR. PILEGGI: -- asked and answered.
22 MR. GONZALES: Yeah, you did, you asked
23 him like three times.
24 MR. PILEGGI: Well, he can --

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1 THE WITNESS: I don't know what AI was
2 convicted of. As I say, you'd have to show me his
3 criminal record.
4 MR. PILEGGI: Okay. So, just at this
5 juncture, I'm going to ask for the Master file of
6 AI. We don't know what his name --
7 BY MR. PILEGGI:
8 Q. What was AI's name?
9 A. I don't even recall what his name at this
10 time.
11 Q. You don't recall. Did you just know AI? Was
12 it Alphonso?
13 A. I just said I don't recall his full name.
14 Q. Do you remember what AI's number was,
15 confidential number?
16 A. No.
17 Q. Okay. But you used AI after he was made a
18 confidential informant, correct?
19 A. I don't recall if I used him or not.
20 Q. And there would be vouchers -- when you made
21 him a confidential informant, when you said that he
22 probably wanted to get paid in the Freeman case, there
23 would be a voucher memorializing that, correct?
24 A. Correct. If he was indeed paid in the

13 (Pages 183 to 186)

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1 Freeman case.
 2 MR. PILEGGI: I would ask that the City
 3 provide me with that file.
 4 MS. TAYLOR: If I could just note, do
 5 you have AI's CI number?
 6 MR. PILEGGI: I'm sorry?
 7 MS. TAYLOR: Do you have AI's CI number?
 8 MR. PILEGGI: No, I don't
 9 have anything, actually.
 10 MS. TAYLOR: I will see -- I don't know
 11 what the retention period is on these documents.
 12 I will certainly investigate and see if I can
 13 locate anything.
 14 MR. PILEGGI: Well, I'm sure that the
 15 City can find that out. They have a Master
 16 file -- according to the policies procedures
 17 there's a Master file kept.
 18 MS. TAYLOR: So, I'm just saying I don't
 19 know what the retention period is, but. So,
 20 subject to that, it's now 20 years later.
 21 MR. PILEGGI: I just ask that they make
 22 an attempt.
 23 MR. GONZALES: It's 21 years later.
 24 MR. PILEGGI: Now, just for the record,

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1 there was a complaint filed by Mr. Freeman. We
 2 covered some of this --
 3 MR. GONZALES: 21 years and one month,
 4 just for the record.
 5 MR. PILEGGI: Say that again.
 6 MR. GONZALES: It's 21 years and one
 7 month since this job, the Freeman job.
 8 MR. PILEGGI: All right.
 9 MR. GONZALES: Just wanted the record to
 10 be clear.
 11 BY MR. PILEGGI:
 12 Q. There was a complaint filed by Mr. Freeman
 13 against you and other officers involved in his
 14 investigation.
 15 Do you recall that?
 16 MR. GONZALES: Objection.
 17 That was your first question today.
 18 Asked and answered.
 19 BY MR. PILEGGI:
 20 Q. Do you recall that?
 21 A. Correct.
 22 Q. All right. You had to give a statement to
 23 IAD?
 24 MR. GONZALES: Objection, asked and

Page 189

1 answered.
 2 You already asked him that question.
 3 MR. PILEGGI: No, I didn't.
 4 MR. GONZALES: Yes, you did. Remember
 5 we had a back and forth --
 6 MR. PILEGGI: John, would you stop --
 7 MR. GONZALES: -- and you argued --
 8 MR. PILEGGI: Asked and answered.
 9 You can answer again.
 10 THE WITNESS: I believe I gave a
 11 statement in it, yes.
 12 BY MR. PILEGGI:
 13 Q. As well as the other officers involved in the
 14 case.
 15 MR. GONZALES: Objection. Asked and
 16 answered.
 17 You can answer that question again.
 18 THE WITNESS: Yes.
 19 MR. PILEGGI: Okay. I would ask that
 20 the City provide me with that -- those statements.
 21 And this is -- I will tell you what the number
 22 is... It is IA Number 05 -- well, there's two
 23 numbers here. I have 05, dash, 0640. And then
 24 it's 05, dash, 19, dash, 081989.

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1 MS. TAYLOR: That second --
 2 MR. PILEGGI: It was a 2005.
 3 MS. TAYLOR: That second one sounds like
 4 a DC number. The first one sounds like an IA
 5 file.
 6 MR. PILEGGI: You know what, this is
 7 attached. I'll attach this whole thing as an
 8 exhibit, then you'll have it.
 9 MS. TAYLOR: So, just for the record,
 10 this is a Concise Officer History.
 11 MR. PILEGGI: I think that was attached
 12 to somebody else's.
 13 MR. GONZALES: Does it have a Bates
 14 number?
 15 MS. TAYLOR: It does not have a Bates
 16 number.
 17 MR. PILEGGI: I think it was Eric
 18 Spade's maybe.
 19 MS. TAYLOR: It's the Concise Officer
 20 History for Brian Reynolds. And it was run and
 21 it was printed on September 18th, 2013 by Armando
 22 Bergandy (ph).
 23 MR. PILEGGI: Let's just -- I'm going to
 24 mark it. I'll mark it, and then this way we'll

14 (Pages 187 to 190)

<p>1 have it. 2 MS. TAYLOR: Just so you know, the IA 3 Number is 05-0640 and, um -- 4 MR. PILEGGI: So, I'm going to request 5 all the statements of all the officers in that 6 particular Complaint. 7 You know what, I'm just going to mark 8 this so we have it for the record. 9 Reynolds-7. 10 * * * * 11 (Reynolds Exhibit 7 was 12 marked for identification.) 13 * * * * 14 MR. PILEGGI: And just for the record, 15 this is a list of all the IAD Complaints, Internal 16 Affairs Complaints made against Officer Reynolds. 17 Okay. So moving on. 18 BY MR. PILEGGI: 19 Q. So, now, you recall giving a statement in the 20 Freeman IAD matter. 21 So, at that time was there any questions 22 asked by the Internal Affairs with regards to the 23 concerned citizen in that case, AI? 24 A. I don't recall what questions were asked.</p>	<p>Page 191</p> <p>1 If we could mark that as Reynolds-8. 2 * * * * 3 (Reynolds Exhibit 8 was 4 marked for identification.) 5 * * * * 6 MS. TAYLOR: Can you just give me the 7 date of the transcripts, because I don't think 8 there's an extra copy. 9 MR. PILEGGI: This is actually the 10 Pretrial Motions Hearing, and it's November 8th, 11 2001. 12 All right. Officer, we'll 13 (unintelligible) I struck the question. 14 So, I want you to refer to Reynolds-8. 15 And then let's just discuss a little bit about AI. 16 If you could go to Page 34. 17 Page 34, am I correct, and I'll give you 18 a second to read it. Well, go -- why don't you 19 read it first. 20 * * * * 21 (Document review.) 22 * * * * 23 THE WITNESS: Okay. 24 BY MR. PILEGGI:</p>
<p>Page 192</p> <p>1 Q. Now, again, because AI was made a 2 confidential informant during the pendency of a case 3 that you were lead investigator, you would have been 4 responsible for bringing him in so that he could 5 provide all the documentation that he needed to set up 6 the CI file, correct? 7 A. If I was the one that signed him up, yes. 8 Q. And you don't recall that independently. 9 A. I don't recall that. 10 Q. But we do know he was signed up. There's no 11 dispute right, that he was signed up doing the Freeman 12 case? 13 A. I don't know when he was signed up. 14 MR. PILEGGI: Okay. Well, let's look at 15 the transcript again. 16 THE WITNESS: Is there a date? 17 MR. PILEGGI: Take your time. 18 MS. TAYLOR: Which page, Mike? 19 MR. PILEGGI: Let's start with... 20 I'm sorry, I didn't mark this. And 21 I'm -- strike that whole question. I'm going to 22 go and give you a different transcript. I'm going 23 to leave the tabs in here, we can take these off 24 to make it easier.</p>	<p>Page 194</p> <p>1 Q. Okay. Now, I asked you previously whether 2 you recall when AI gave you -- provided you with the 3 information about what was contained in the Freeman 4 investigation. 5 Do you recall that? 6 A. Correct. 7 Q. Okay. What you just read on Page 34, does 8 that refresh your recollection as to when AI contacted 9 you with this information? 10 A. Yeah. It says approximately a week, week and 11 a half prior. 12 Q. And just so we're clear, about a week and a 13 half after he provided that information you and other 14 officers went up to set up surveillance? 15 A. Correct. 16 Q. And why did you set up surveillance on that 17 date? 18 A. To verify the information that was given to 19 me. 20 Q. On Page 35 -- and this is -- just, again, for 21 clarity sake, this was testimony before the court, 22 before Judge Kelly. McGirk Kelly, correct? 23 MR. GONZALES: I think it's Robert 24 Kelly. Yeah, it's Robert F. Kelly.</p>

<p style="text-align: right;">Page 195</p> <p>1 THE WITNESS: Correct. 2 BY MR. PILEGGI: 3 Q. Correct? 4 A. Correct. 5 MR. PILEGGI: Page 35, there's a whole 6 discussion, if you want to take -- never mind. 7 Take a second to read that. 8 * * * * 9 (Document review.) 10 * * * * 11 THE WITNESS: Okay. 12 BY MR. PILEGGI: 13 Q. Now, am I correct it was a -- an issue about 14 the concerned citizen versus a confidential informant? 15 A. I don't know if it was an issue. They asked 16 me questions about it and they were answered. 17 Q. And the con -- you did use, in this 18 particular case, the Freeman case, you did use a 19 confidential informant to make a buy, correct? 20 A. Correct. 21 Q. All right. So, again, for clarity's sake, 22 AI, as the concerned citizen, was separate and distinct 23 from the confidential informant at that point at 24 least --</p>	<p style="text-align: right;">Page 197</p> <p>1 Q. All right. So you were the lead 2 investigator, right? 3 A. Correct. 4 Q. AI was -- provided you the information, 5 correct? 6 A. Correct. 7 Q. You were the one giving the testimony at 8 court, right? 9 A. Correct. 10 Q. You don't recall whether you were the one 11 that signed him up or not? 12 MR. GONZALES: Objection, asked and 13 answered. That's argumentative. I mean, he 14 already testified. 15 BY MR. PILEGGI: 16 Q. By the way, did anyone else -- do you recall 17 any other officer in the investigation, I think it's 18 Reynolds-6, the Affidavit, any other officer give 19 testimony during the Freeman case? 20 A. I don't recall. 21 MR. PILEGGI: If you could go to Page 22 36. And let me just -- I'm going to summarize it 23 for you so we don't -- 24 BY MR. PILEGGI:</p>
<p style="text-align: right;">Page 196</p> <p>1 A. Yes. 2 Q. -- in the investigation. Okay. 3 And do you see there where it says he 4 later became a confidential informant? 5 A. I do see that. 6 Q. I'm sorry? 7 A. I do see that, yes. 8 Q. Okay. So, does that refresh your 9 recollection that he was made -- went from a concerned 10 citizen to a confidential informant during the pendency 11 of -- and in the infancy of the Freeman case? 12 A. It does. 13 Q. Okay. Do you recall now the circumstances 14 surrounding making AI a concern -- went from a 15 concerned citizen to a confidential informant? 16 A. He went from a concerned citizen to an 17 informant, yes. 18 Q. Do you recall your role in that? 19 A. I don't. As I stated, I'm not sure -- I 20 don't know if I was the one that signed him up or not. 21 Q. But it's your testimony, correct? 22 A. Correct, it is. So, I'm assuming -- I don't 23 know because I don't have the paperwork, that I would 24 have been the one to sign him up as an informant.</p>	<p style="text-align: right;">Page 198</p> <p>1 Q. Am I correct that you gave testimony that you 2 made notes with information provided by AI? 3 A. Correct. 4 Q. Contemporaneous notes, correct? 5 A. Correct. 6 Q. And then 37, Page 37 you said you threw the 7 notes in the trash? 8 A. Correct. 9 Q. Is that normal procedure? 10 A. Yeah, they're rough notes. And then like I 11 stated, you take those notes and everything's put into 12 the Affidavit. There's no procedure on keeping notes. 13 Q. And what if the information in the Affidavit 14 turns out to be incorrect, don't you have to refer to 15 your notes to make sure that you got it right? 16 A. Well, you would think everything in the 17 Affidavit is correct, so. 18 Q. You think. But we now know, from our last 19 session, that dates and names and other issues are all 20 incorrect in the Torain Affidavit, right? 21 MR. GONZALES: Objection. 22 Do you want him to go through the 23 Affidavit and find out what's right and what's 24 wrong?</p>

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1 MR. PILEGGI: If he'd like. If he
 2 doesn't recall that testimony I'll be happy to --
 3 MR. GONZALES: This is argumentative.
 4 You're trying to get him to say that he should
 5 keep notes, okay.
 6 He's already testified that he doesn't
 7 keep notes.
 8 MR. PILEGGI: John --
 9 MR. GONZALES: He takes them, he
 10 transposes them to the report and he discards
 11 them. End of story.
 12 You can argue to the jury and to the
 13 court about whether that's appropriate or not, but
 14 it's not going to change the testimony or the
 15 facts.
 16 MR. PILEGGI: Mark that as Reynolds-9,
 17 please.
 18 * * * *
 19 (Reynolds Exhibit 9 was
 20 marked for identification.)
 21 * * * *
 22 MR. PILEGGI: Officer, I'm showing you
 23 what's been marked as Reynolds-9 for
 24 identification.

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1 Submit to you that that's the Affidavit
 2 in the Torain case.
 3 BY MR. PILEGGI:
 4 Q. And I asked you questions at the last
 5 deposition regarding this, correct?
 6 A. Correct.
 7 MR. PILEGGI: I'm going to ask you about
 8 your recollection of the actual deposition that we
 9 did on July 28th.
 10 THE WITNESS: Okay.
 11 BY MR. PILEGGI:
 12 Q. Do you recall we went through some of the
 13 dates, and the dates were all wrong?
 14 A. There was mistakes with dates, yes.
 15 Q. Do you recall that we went through some of
 16 the incidences that were reported in the Affidavit of
 17 Probable Cause that were wrong?
 18 A. I don't understand what you mean by
 19 "incidents".
 20 Q. Some of the factual bases that they used to
 21 get the probable cause in this Affidavit were wrong.
 22 A. Some of the facts were wrong?
 23 Q. Yeah.
 24 A. I don't remember anything like that.

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1 Q. Do you recall that some of the information
 2 that occurred was not put in this Affidavit of Probable
 3 Cause?
 4 A. I don't recall that, no.
 5 Q. Okay. And I recognize that you did not --
 6 you were not the one that drafted this Affidavit of
 7 Probable Cause, it was Monaghan, right?
 8 A. Correct.
 9 Q. Do you recall when I asked you about what you
 10 confiscated from Mr. Torain, and what was placed on the
 11 property receipt?
 12 A. Correct.
 13 Q. All right. And you testified that whatever
 14 you had -- whatever you confiscated from Mr. Torain you
 15 provided to Officer Monaghan, correct?
 16 A. Correct.
 17 Q. But you made it a point during that testimony
 18 to clarify that you did not confiscate a probation or a
 19 parole card that was on the property receipt, as
 20 provided in conjunction with the investigation in the
 21 Torain case?
 22 A. You made a point of it, and I said I don't
 23 remember recovering that from Torain.
 24 Q. Okay. But it was on the property sheet, we

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1 can agree to that, right?
 2 A. It's on the property receipt, correct.
 3 Q. And you don't recall that being confiscated
 4 from the vehicle when you arrested him right, because
 5 that would be the only place you could confiscate it,
 6 wouldn't it?
 7 A. Correct.
 8 Q. In other words, you didn't confiscate it --
 9 or another officer didn't confiscate it in 55 55th
 10 Street, right?
 11 A. I don't believe so. I don't know where that
 12 document came from, I stated that to you.
 13 Q. Okay. Let's talk about Conestoga. Now,
 14 there was testimony provided by Mr. Walker, who was
 15 your partner for years, correct?
 16 A. We worked together, yes.
 17 Q. And, in fact, you were notoriously known as
 18 Batman and Robin, right?
 19 A. Correct.
 20 Q. Who was Batman and who was Robin?
 21 A. You'd have to ask the street guys that.
 22 Q. You don't know what role you played?
 23 A. I believe I was Robin. They referred to me
 24 as Robin.

17 (Pages 199 to 202)

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1 Q. But you worked closely together, not only at
 2 the time of the Torain investigation, but you -- prior
 3 to that, years prior to that, right?
 4 A. We were coworkers, yes.
 5 Q. In fact, you worked in the 16th District
 6 together, correct?
 7 A. Correct.
 8 Q. With Monaghan, right?
 9 A. No.
 10 Q. Well, he was in the 16th District at the
 11 time, wasn't he?
 12 A. No.
 13 Q. He was not?
 14 A. Monaghan was in the 19th District.
 15 Q. Where was Monaghan from, if you know, before
 16 he came to the --
 17 A. He went to the -- he started in the 19th
 18 District, and then went to the Strike Force, and then
 19 came to the Field Unit.
 20 Q. Okay.
 21 A. That's not the 16th.
 22 Q. Now, you recall being present at Monaghan's
 23 deposition, correct?
 24 A. Correct.

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1 Q. And do you recall Monaghan testifying that
 2 the confidential source that he received detailed
 3 information from in the Torain case, and I'm referring
 4 to, um, Reynolds -- what is it 9, the Affidavit, um, he
 5 gleaned that information from an individual from the
 6 16th District that he knew when he worked there?
 7 A. I don't remember reading that.
 8 Q. And it's your testimony that a confidential
 9 source and a concerned citizen is one in the same.
 10 A. Basically, yes.
 11 Q. Well, no, what do you mean "basically"?
 12 Well, where does it differ?
 13 A. As I stated, it all depends on what wordage
 14 that officer who's providing in the Affidavit wants to
 15 use. They're basically the same. They're providing
 16 you with information, the officers are going out there
 17 and verifying the information that's provided. They're
 18 basically one in the other.
 19 Q. Okay. So, could an officer use a
 20 confidential informant instead of a confidential
 21 source?
 22 A. For what purpose?
 23 Q. It's one in the same. Or is it?
 24 A. It's not the same. Confidential informant is

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1 registered with the police department, they know the
 2 identity of that individual.

3 MR. GONZALES: I'm going to object.
 4 We covered this for pages on the first
 5 day of Mr. Reynold's deposition.

6 BY MR. PILEGGI:

7 Q. Now, Officer, so, you were also present
 8 during Walker's deposition, correct?

9 A. Correct.

10 Q. Were you there all five days?

11 A. I believe I was, yes.

12 Q. You recall -- and you stated this previously,
 13 you recalled Officer -- former Officer Walker
 14 testifying that you, Monaghan, and Mr. Walker huddled
 15 up and decided how you were going to write the job up,
 16 right?

17 Something to that extent, I'm
 18 paraphrasing the question.

19 A. I remember there was testimony to that, yes.

20 Q. Okay. And you recall Officer -- former
 21 Officer Walker testifying that, um, before they ever --
 22 Monaghan entered 55 55th Street with the key, there was
 23 officers already in there securing in the hallway.

24 Do you recall that?

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1 MR. GONZALES: Objection. You said 55
 2 55th Street, that's --

3 MR. GONZALES: No, 55th Street.
 4 THE WITNESS: I don't recall that, no.

5 BY MR. PILEGGI:

6 Q. Were there any officers -- when you arrived
 7 with the key to give it to Monaghan, were there any
 8 officers in the unit already?

9 A. Not that I recall.

10 Q. Do you recall who was at the scene when you
 11 gave the key to Officer Monaghan?

12 A. As I stated, myself, Walker, Kelly,
 13 Monaghan. May have been other officers and a
 14 supervisor. I stated that numerous times.

15 Q. So, then we now know that officers attempted
 16 to get into the unit to secure it, right?

17 A. Correct.

18 Q. An individual showed up, said he was the
 19 manager, said you could not enter without a warrant.
 20 Do you recall that?

21 A. I don't know what that individual said, I
 22 didn't speak to him.

23 Q. But you saw him talking, correct?

24 A. I saw Kelly talking to somebody, yes. I

18 (Pages 203 to 206)

Page 207

1 don't know who --
 2 Q. Who was he talking to?
 3 MR. GONZALES: Wait. Let the witness
 4 answer the question. You interrupted him.
 5 Were you finished?
 6 THE WITNESS: No, I was not.
 7 I don't know what they were talking
 8 about, but I seen him talking to someone.
 9 BY MR. PILEGGI:
 10 Q. Who's "they"?
 11 A. Kelly.
 12 Q. Kelly and this individual?
 13 A. Correct.
 14 Q. Was there any other officer involved in that
 15 conversation?
 16 A. I don't recall if there was or not.
 17 Q. How far away were you when this discussion
 18 occurred?
 19 A. I don't recall how far away I was.
 20 Q. Okay. And after that, you do recall, though,
 21 yourself looking into the unit, right?
 22 A. I do.
 23 Q. Into the apartment, I should say.
 24 A. I do.

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1 Q. Okay. And I believe I asked you this, but
 2 I'm not sure, so bear with me.
 3 What was the basis of going into that
 4 particular apartment?
 5 MR. GONZALES: Objection, asked and
 6 answered.
 7 But you can answer it again.
 8 THE WITNESS: To secure the property.
 9 BY MR. PILEGGI:
 10 Q. No. I understand that, but why that
 11 property? Why Apartment 2 as opposed to Apartment 10
 12 or?
 13 A. Because Monaghan determined that was where
 14 Torain was.
 15 Q. Because Monaghan what, I'm sorry?
 16 A. Because that's where Monaghan wanted to go.
 17 He determined that that was the apartment that Torain
 18 was in.
 19 Q. Number 2?
 20 A. Correct. The apartment that --
 21 Q. Monaghan told you that?
 22 A. Well, he had the key to it, the key fit the
 23 door. The door was opened and the apartment was
 24 there.

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1 Q. But he didn't tell you, you were actually
 2 there, didn't he?
 3 A. I was there. I was observing that, yes.
 4 Q. In fact, you gave him the key.
 5 A. Correct.
 6 Q. Going back to Walker's testimony, he
 7 testified that you and him went back to 1621 Conestoga
 8 Street, where Mr. Torain was seen leaving to go to 55th
 9 Street earlier that day.
 10 A. I don't remember him testifying to that.
 11 Q. Well, I'm asking you, do you recall going to
 12 1621 Conestoga Street and entering that unit without a
 13 warrant?
 14 A. I did not go to 1621 Conestoga Street.
 15 Q. You did not.
 16 A. I did not.
 17 MR. PILEGGI: Okay. Make this
 18 Reynolds-10.
 19 * * * *
 20 (Reynolds Exhibit 10 was
 21 marked for identification.)
 22 * * * *
 23 MR. PILEGGI: All right. Officer
 24 Reynolds, I want to show you what's been marked as

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1 Reynolds-10 for identification.
 2 And I will submit to you that that's an
 3 Affidavit from Carolyn Torain, who is the mother
 4 of, um, Kareem Torain, the individual you
 5 arrested.
 6 THE WITNESS: Okay.
 7 MR. PILEGGI: Do you want to take a look
 8 at it?
 9 THE WITNESS: I already read it.
 10 MR. PILEGGI: Time to review it.
 11 THE WITNESS: I already read it.
 12 MR. PILEGGI: You already read it.
 13 THE WITNESS: Yeah. When you just
 14 turned it over on Monday.
 15 MR. GONZALES: I'm just going to put
 16 an objection on the record that this document
 17 appears to be an Affidavit that was signed on
 18 January 23rd, 2017 by plaintiff's mother.
 19 It was never been produced by plaintiff
 20 in -- as part of Rule 26, self-disclosures, nor
 21 was it attached to any response to any request for
 22 production of documents.
 23 For the first time I was provided with
 24 this Affidavit after day one of the deposition of

19 (Pages 207 to 210)

<p style="text-align: right;">Page 211</p> <p>1 my client. 2 MR. PILEGGI: When were you provided 3 it, though? You were provided days ago, right? 4 MR. GONZALES: Yes. After you attempted 5 to take my client's deposition. 6 MR. PILEGGI: And I would just submit to 7 you that there has been a stay in this case for, I 8 don't know, probably close to six years. Let's 9 say, imposed by the defendants, not plaintiffs. 10 So, couldn't have been produced. 11 MR. GONZALES: I'm sorry, the case was 12 lifted -- was it still in a stay when my client 13 was deposed? 14 MR. PILEGGI: There was a stay -- 15 MR. GONZALES: You tried to depose my 16 client while the case was stayed? 17 MR. PILEGGI: No. It was a stay imposed 18 since 2015. 19 MR. GONZALES: Right. And then it came 20 out of stay and you didn't produce this document. 21 MR. PILEGGI: Could not have provided 22 it though, that's I'm trying to explain to you. 23 MR. GONZALES: You couldn't provide 24 this before my client's deposition in August.</p>	<p style="text-align: right;">Page 213</p> <p>1 BY MR. PILEGGI: 2 Q. Now, just -- let's put this in perspective. 3 Mr. Torain was followed from Master 4 Street in a green Pontiac Bonneville by Officer Walker, 5 correct? 6 A. Correct. 7 Q. At least according to the Affidavit. 8 A. Correct. 9 Q. All right. Were you also part of that 10 surveillance? 11 A. No, I stated I picked him up once he exited 12 Conestoga Street. 13 Q. Where were you before you picked him up 14 coming out of Conestoga? 15 A. I don't recall where I was. 16 Q. So, the first time you spotted that green 17 Bonneville, or my client, was when he came out of 18 Conestoga Street? 19 A. Yes. 20 Q. Shortly thereafter my mother, Shirley Torain, 21 who resided across the street from 1628 North 55th 22 Street, called me and informed me that several police 23 officers were going into 1628 North 55th Street. 24 Does that sound like around the time</p>
<p style="text-align: right;">Page 212</p> <p>1 MR. PILEGGI: I didn't ask him anything 2 about the deposition, he walked out. 3 MR. GONZALES: It doesn't matter. The 4 fact is you could have and you didn't. 5 MR. PILEGGI: Go ahead. 6 MR. GONZALES: And that will be a topic 7 for something later. 8 MR. PILEGGI: Did I ask any questions 9 about Conestoga before he walked out? 10 MR. GONZALES: It doesn't matter. 11 MR. PILEGGI: Sure it does. 12 MR. GONZALES: You had relevant evidence 13 in your possession that you failed to disclose. 14 MR. PILEGGI: Okay. I want to read you 15 some of this deposition. I'm sorry, the 16 Affidavit. 17 It says on -- this is Paragraph 2. On 18 Thursday, January 4th, 2001, I was present in my 19 home at 1621 North Conestoga Street, Philadelphia, 20 Pennsylvania, with my one child, Tameka Torain, 21 and her friend L.B. Sometime in the afternoon my 22 son, Kareem Torain, came home and went upstairs to 23 his room. He was in the room for about 20 minutes 24 before he went out of the house again.</p>	<p style="text-align: right;">Page 214</p> <p>1 when you had the key and went into 55th Street to try 2 to search? 3 A. I have no idea. 4 Q. Well, does that make sense that there was 5 several police officers, as you testified before, that 6 went into 55th Street to attempt to get into Apartment 7 2? 8 MR. GONZALES: No, objection. He's not 9 here to give his opinion about whether this 10 Affidavit -- 11 MR. PILEGGI: I'm asking him his 12 independent recollection, John. 13 MR. GONZALES: No, no. 14 MR. PILEGGI: Stop it. 15 MR. GONZALES: Objection. I'm 16 instructing him not to answer. 17 MR. PILEGGI: Officer -- 18 MR. GONZALES: Whether -- 19 MR. PILEGGI: Are you instructing 20 him not to testify? 21 MR. GONZALES: No. He can answer 22 factual questions -- 23 MR. PILEGGI: No -- 24 MR. GONZALES: You can't ask him an</p>

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1 opinion about whether Mr. Torain's grandmom was
2 accurate in her -- in her description.
3 MR. PILEGGI: I didn't ask him that.
4 MR. GONZALES: That's exactly what you
5 asked.
6 MR. PILEGGI: I asked him isn't that
7 around the same time that police officers went to 55th
8 Street to try to gain entrance.
9 MR. GONZALES: Objection. There's no
10 time on here, other than sometime in the
11 afternoon.
12 MR. PILEGGI: He can say he doesn't
13 know.
14 John, please stop it.
15 MR. GONZALES: The question's
16 ridiculous.
17 MR. PILEGGI: Respectfully, stop.
18 MR. GONZALES: Yeah, respectfully.
19 MR. PILEGGI: You're being disruptive.
20 MR. GONZALES: I think producing an
21 Affidavit after -- you know, after day one of
22 my client's deposition --
23 MR. PILEGGI: Objection noted.
24 Officer, you want to answer that

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1 twisties on his head. I later identified the
2 white police officer as Brian Reynolds, when I saw
3 a photograph of him in the newspaper when he was
4 later on trial.
5 I identified the black officer as
6 Jeffrey Walker, when I saw a photograph of him on
7 Fox news after he was arrested.
8 BY MR. PILEGGI:
9 Q. By the way, Officer Walker at the time had
10 twisties or cornrows, or I don't know how to refer to
11 it. But he had the... Cornrows, correct?
12 A. I don't recall what Walker had on his head.
13 Q. You worked with him for years, you don't
14 recall him having dreads?
15 MR. GONZALES: Hold on. That's
16 argumentative, he answered the question he doesn't
17 recall.
18 MR. PILEGGI: And I'm asking him a
19 follow-up question.
20 BY MR. PILEGGI:
21 Q. You don't recall Officer Walker ever having
22 dreadlocks?
23 A. He had dreadlocks, I don't exactly recall
24 what kind of hair style he had back here 20 years ago.

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1 question.
2 THE WITNESS: Can you repeat it.
3 MR. PILEGGI: Yes.
4 BY MR. PILEGGI:
5 Q. Is this around -- does this appear to be the
6 same time that you and other fellow officers, including
7 Monaghan, went to try to gain entrance into 55th Street
8 without a warrant?
9 A. I have no idea.
10 Q. Okay. Do you know if there was any other
11 activity at that house that day by police officers?
12 MR. GONZALES: At what house?
13 MR. PILEGGI: 55th Street.
14 THE WITNESS: I have no idea.
15 MR. PILEGGI: Okay. Approximately one
16 hour after that call I was in my kitchen and my
17 daughter, Tameka Torain, L.B., and another friend,
18 Wanda Saunders, were all in the dining room.
19 I walked out of my kitchen and saw two
20 plainclothes police officers standing in the
21 dining room. No one gave the officers consent
22 to be in my house.
23 One of the police officers was a white
24 male, and the other was a tall black male with

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1 MR. PILEGGI: Okay. Paragraph 7.
2 Brian Reynolds was the first one to talk
3 to me, and he stated that he was going to search
4 my house. He did not state why he was going to
5 search my house.
6 8: Brian Reynolds then took me
7 upstairs, and I observed him search the middle
8 bedroom, which only had a desk with a computer on
9 it. I observed Reynolds open the desk drawer and
10 search the contents of the drawer. Nothing was
11 confiscated from that drawer.
12 We then proceeded into the front
13 bedroom, which is my bedroom, and I observed
14 Reynolds search my chest of drawers, and he pulled
15 out an envelope addressed to my son, Kareem
16 Torain. Reynolds confiscated the envelope. Why
17 he was still in my bedroom searching, Reynolds
18 observed a house arrest monitor box that was right
19 next to my bed.
20 When we walked down the hall to the back
21 bedroom, which was my daughter Margaret
22 Torain's bedroom. The bedroom door was locked,
23 and Reynolds informed me that the door would have
24 to be opened. I was afraid that he would break

21 (Pages 215 to 218)

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1 down the door, so I called my daughter Margaret,
2 who was at work, to come home and open her bedroom
3 door for the police. Margaret informed me that
4 she would immediately leave work to come home.
5

6 Reynolds and I then went downstairs and
7 saw Officer Walker, my daughter Tameka, and her
8 friend Wanda talking in the dining room. I did
not see L.B. at the time.

9 Reynolds then stated to me that my son
10 was going back to jail. He also asked me how my
11 other son made out with his case with the girl. I
12 knew he was referring to my first cousin's son,
13 Miguel Moon, who was charged with sexual assault
14 of a minor not too long after the search. I'm
15 sorry, not long before this search.

16 Within minutes Reynolds received a
17 telephone call on his cell phone. I heard
18 Reynolds talking on the cell phone, but I do not
19 remember what was discussed. Within seconds he
20 terminated the call, and Reynolds and Walker then
21 abruptly walked out of my house.

22 My daughter Margaret Torain arrived
23 after the police left. I never gave consent for
24 the police to search my house. No one at my house

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1 even though it's on a property receipt.

2 A. Correct.

3 Q. Do you believe that another police officer
4 confiscated it somewhere along the way?

5 A. I have no idea.

6 Q. Okay. And you were required, by the policies
7 and procedures, that anything that's confiscated, any
8 kind of contraband, or any kind of identification, has
9 to be placed on a property receipt, right?

10 A. Correct.

11 Q. You complied with that. You made sure -- and
12 this was your arrest, you made sure that whatever was
13 confiscated was placed on the property sheet, right?

14 A. Correct. And the stuff that I confiscated --

15 Q. Even though --

16 MR. GONZALES: Wait. Let him answer the
17 question.

18 MR. PILEGGI: Okay.

19 THE WITNESS: And the stuff that I
20 confiscated from Kareem Torain was placed on a
21 property receipt.

22 BY MR. PILEGGI:

23 Q. Okay. Even though before you placed it on
24 the property receipt, you took the key and you gave it

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1 that day gave consent for police to search. I was
2 never shown or given a search warrant.

3 Reynolds confiscated the letter
4 addressed to my son, Kareem Torain. Later that
5 evening a relative called to inform me that my son
6 Kareem Torain had been arrested earlier that day.

7 I want take you back to Paragraph 18.
8 It says: I was never shown or given an arrest
9 warrant. Reynolds confiscated the letter
10 addressed to my son, Kareem Torain.

11 BY MR. PILEGGI:

12 Q. Does that refresh your recollection as to
13 where you got that parole card?

14 A. Not at all, because I was never in Conestoga
15 Street.

16 Q. So, you don't recall the parole card, or
17 probation card being in the -- confiscated when you
18 arrested him in the car, you were the arresting
19 officer, right?

20 A. Correct.

21 Q. And you don't recall it being confiscated in
22 the house, right?

23 A. Correct.

24 Q. But you don't know where it was confiscated,

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1 to Monaghan so that you could go into the unit, right?

2 MR. GONZALES: Wait a minute. Wait a
3 minute, you lost me.

4 MR. PILEGGI: Did I lose him?

5 MR. GONZALES: I'm going to ask the
6 court reporter to just read back the question.

7 * * * *

8 (The requested portion of
9 the record was read.)

10 * * * *

11 MR. GONZALES: Objection to the form of
12 the question.

13 You can answer it if you understand it.

14 THE WITNESS: Correct. At some point
15 the key was given to Monaghan for the property to
16 be secured on 55th Street.

17 BY MR. PILEGGI:

18 Q. At what point? Before it was placed on the
19 property receipt, correct?

20 A. Correct. We don't carry property receipts on
21 the street to type them up right there.

22 Q. And at some point we know that a probation or
23 parole card was confiscated by someone, right?

24 A. Correct.

22 (Pages 219 to 222)

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1 Q. And that was placed on the property sheet.
 2 A. Correct.
 3 Q. We just don't know who confiscated it.
 4 A. Correct.
 5 Q. And Ms. Torain -- according to Ms. Torain,
 6 you were in her house and you confiscated that card.
 7 A. Well, she said an envelope. What -- this
 8 whole Affidavit is lies. I never even went to
 9 Conestoga Street.
 10 Q. Okay. All right. And Officer Walker, former
 11 Officer Walker, also testified that he was with you
 12 when you both went over to Conestoga Street to search,
 13 correct?
 14 A. I don't remember testimony like that. Do you
 15 have it to show me?
 16 Q. But if he said that that would be a lie?
 17 A. Do you have it to show me?
 18 Q. Officer.
 19 A. You'd have to ask Officer Walker that.
 20 Q. If he testified to that would that be a lie?
 21 A. Yes.
 22 Q. Okay. So, Ms. Mr. Torain lied and he lied.
 23 A. Correct.
 24 Q. All right. But you don't know where you got

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1 BY MR. PILEGGI:
 2 Q. Officer, now there was a... There was a
 3 Federal investigation with regards to your actions as a
 4 police officer, um, some time ago, correct?
 5 A. There was.
 6 Q. Do you know if there's any pending
 7 investigations?
 8 A. I have no idea.
 9 Q. Have you ever been notified that you're a
 10 target of an investigation?
 11 A. I have not.
 12 Q. Are you sure?
 13 A. Positive.
 14 Q. You don't recall Judge Steinman opening up
 15 investigation with the US Attorney's Office in
 16 conjunction with witness intimidation?
 17 A. I have no idea.
 18 Q. Well, you were in the courtroom when we were
 19 doing is Officer Walker's deposition, weren't you?
 20 A. I was.
 21 Q. As well as your fellow officers; Officer
 22 Liciardello, Officer Norman, Spicer -- Spizer, right?
 23 A. Correct.
 24 Q. And you don't recall the judge opening up an

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1 the card.
 2 A. I don't know where that card came from.
 3 MR. GONZALES: He said he didn't even
 4 know if he got the card. He didn't get the card.
 5 BY MR. PILEGGI:
 6 Q. Now...
 7 THE WITNESS: Can we take a bathroom
 8 break?
 9 MR. GONZALES: Yes.
 10 * * * *
 11 (There was a break
 12 taken in the deposition.)
 13 * * * *
 14 MR. GONZALES: Before we go back, or
 15 while we're back on the record, I spoke to the
 16 witness. I think something needs to be clarified,
 17 because you keep saying when you prepared the
 18 property receipt, as if the witness prepared the
 19 property receipt.
 20 Officer, did you physically prepare the
 21 property receipt of the items that you recovered
 22 from Mr. Torain?
 23 THE WITNESS: I don't believe I did, no.
 24 MR. GONZALES: Okay.

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1 investigation with the US Attorney's Office for
 2 intimidation of witnesses?
 3 A. I remember something came up about an
 4 intimidation of a witness. I don't remember -- I don't
 5 know if there's an investigation or not.
 6 MR. GONZALES: First of all, that was
 7 not this witness. And, second, that's not what
 8 Judge Steinman said.
 9 MR. PILEGGI: Yes, it was.
 10 MR. GONZALES: No, it was not.
 11 MR. PILEGGI: It was all the
 12 defendants.
 13 MR. GONZALES: No.
 14 MR. PILEGGI: All right. Whatever -- I
 15 asked him if he recalled.
 16 MR. GONZALES: Yeah, but you're
 17 putting --
 18 MR. PILEGGI: He doesn't recall.
 19 MR. GONZALES: Yeah, but you're putting
 20 stuff as if it's in a record somewhere that is
 21 not accurate.
 22 MR. PILEGGI: It is. There's a court
 23 order, John.
 24 BY MR. PILEGGI:

23 (Pages 223 to 226)

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1 Q. Do you recall that?
 2 A. I recall something about a witness
 3 intimidation. I don't know if there's an investigation
 4 or not.
 5 Q. Okay. Do you recall the judge issuing an
 6 order for the FBI to investigate all the defendants
 7 potential intimidation of witnesses?
 8 A. I don't recall that, no.
 9 Q. Okay. But, nevertheless, there was an
 10 investigation years ago which culminated into, um,
 11 charges being brought by the Federal government against
 12 yourself and fellow officers.
 13 A. Correct.
 14 Q. Do you recall if any of your co-defendants,
 15 or any of the officers that were in Torain case?
 16 A. I don't believe so.
 17 Q. How about in the Kelly case -- I'm sorry, in
 18 the Freeman case?
 19 A. I don't believe so.
 20 Q. Okay. Do you recall, or do you know if a
 21 fellow officer that you worked with in the past,
 22 Reginald Graham, was part of that investigation,
 23 provided information to the Federal government with
 24 regards to what he believed were some of the nefarious

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1 practices that you and your fellow officers were
 2 engaged in?
 3 A. I know he spoke to the Feds.
 4 Q. You know he what?
 5 A. I know he spoke to the Feds.
 6 Q. Do you know if he wore a wire on you?
 7 A. I believe at one point he did -- not on me,
 8 he did wear a wire, though.
 9 Q. Who did he wear a wire on?
 10 A. I believe it was conversations he had with an
 11 Officer Williams and Clahar (ph). To the best of my
 12 recollection.
 13 Q. Okay. And you learned that in the
 14 conjunction of the prosecution against you by the
 15 Federal government?
 16 A. In the discovery that we got, yes, it was in
 17 there.
 18 Q. And some of that investigation was with
 19 regards to what they believed was falsifying documents,
 20 perjured testimony, et cetera?
 21 A. Yes.
 22 Q. And, of course, you beat that case, right?
 23 MR. GONZALES: Objection.
 24 When you say "beat that case," what

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1 do you mean, found innocent?
 2 MR. PILEGGI: Okay, John.
 3 BY MR. PILEGGI:
 4 Q. You were exonerated by a jury.
 5 A. I was found not guilty on a 48-count
 6 indictment, yes.
 7 Q. You did not testify in that case, did you?
 8 A. I did not.
 9 Q. Nor did any -- well, one of the officers did,
 10 Officer Spicer?
 11 A. Yes.
 12 Q. Do you recall your fellow former officer,
 13 Batman, Jeffrey Walker testifying against you?
 14 A. I do.
 15 Q. And he testified about all the money that not
 16 only he stole, but you stole along with him, as well as
 17 your fellow officers?
 18 A. All his testimony was a bunch of lies.
 19 Q. Yes. But do you recall him testifying that
 20 as a group, as a working group on different cases, you
 21 stole repeatedly?
 22 A. I do.
 23 Q. You lied repeatedly.
 24 MR. GONZALES: The way that's going to

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1 come in the record is did he lie.
 2 Does he recall Walker testifying
 3 that he lied.
 4 MR. PILEGGI: That's what I'm saying.
 5 THE WITNESS: I do recall that, yes.
 6 BY MR. PILEGGI:
 7 Q. Okay. And you recall a parade of witnesses
 8 coming forward and saying that? And when I say "you,"
 9 I mean you and your co-defendants lied, stole, beat
 10 people.
 11 A. There was testimony to that, yes.
 12 Q. Do you recall working with Reginald Graham?
 13 A. At one point we did work together, yes.
 14 Q. In fact, it was a case that I tried against
 15 you, and I believe it was in 2004, against the
 16 Randles.
 17 Do you recall that case?
 18 A. I recall the name, yeah. I don't remember
 19 the particulars about the case.
 20 Q. Do you recall there was a judgment against
 21 you before it was reversed on appeal?
 22 A. I don't remember. I don't recall.
 23 Q. You did testify at that case, correct?
 24 A. I don't recall if I did or not.

24 (Pages 227 to 230)

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1 Q. Anyway, Reginald Graham was involved in the
 2 Randle case, along with yourself.

3 He was a co-defendant at that time,
 4 correct?

5 A. Okay.

6 Q. Is that your --

7 MR. GONZALES: Do you recall?

8 THE WITNESS: I don't recall -- yeah, he
 9 could have been. I don't recall exactly who
 10 was -- he was involved in case with me or not.

11 BY MR. PILEGGI:

12 Q. He later provided the Federal government with
 13 evidence, at least from his perspective, that you,
 14 Walker, and Liciardello were dirty cops, and he didn't
 15 want to work with you?

16 A. I don't recall exactly what he told the
 17 Federal government, but I do remember -- I think there
 18 was a statement in there that he never saw us do
 19 anything wrong. I don't recall though, it's been a
 20 while since I've looked at that Discovery or even read
 21 it.

22 Q. And it's your testimony --

23 A. I don't recall exactly what he said -- told
 24 the FBI.

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1 Brian Reynolds, right?

2 MS. TAYLOR: Objection.

3 MR. GONZALES: I'm going to object.

4 MR. PILEGGI: To what?

5 MR. GONZALES: That's a legal
 6 conclusion and --

7 MR. PILEGGI: John. All right --

8 MR. GONZALES: It's a legal conclusion.
 9 He may or he may not know.

10 MR. PILEGGI: You're right.

11 MR. GONZALES: That's a question for his
 12 attorney, really.

13 MR. PILEGGI: It's okay. It's okay.

14 Do it this way. Mark that as 11,
 15 Reynolds-11.

16 * * * *

17 (Reynolds Exhibit 11 was
 18 marked for identification.)

19 * * * *

20 MR. PILEGGI: You've been shown what's
 21 been marked as Reynolds-11.

22 BY MR. PILEGGI:

23 Q. Do you know what that is?

24 A. Correct.

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1 Q. Okay. Do you know when he went in to the FBI
 2 and talked to them?

3 A. I have no idea.

4 Q. Was he ever called as a witness at the
 5 Federal case against you?

6 A. He was not.

7 Q. At some point in 2005 you actually sued
 8 myself.

9 A. Correct.

10 Q. You, Liciardello, Walker, and Reginald
 11 Graham, right?

12 A. I believe -- I know me and Liciardello. I'm
 13 not sure about the other two.

14 Q. And at that time, doing that prosecution of
 15 that civil case, that you were asking for money damages
 16 against me as an attorney, someone was hired by your
 17 defense team to wear a wire on me.

18 A. There was an investigator that was hired,
 19 yes.

20 Q. And you sued me in the capacity as police
 21 officers, correct?

22 A. Yes.

23 Q. In other words, you didn't sue me as a
 24 civilian Brian Reynolds, you sued me as Police Officer

1 Q. What is it?

2 A. It's the lawsuit that was filed.

3 Q. It's the Complaint that you filed against me,
 4 correct?

5 A. Yes.

6 Q. And in that Complaint there's allegations
 7 that I lied about cases that I brought against your
 8 team where I said, on behalf of my clients, that you
 9 were stealing, falsifying documents, beating people,
 10 correct?

11 A. Correct.

12 Q. What's the caption say?

13 A. (No audible response.)

14 Q. In other words, what's your name? What's it
 15 say?

16 A. Police Officer Brian Reynolds.

17 Q. Okay. So, you brought this case in the
 18 capacity as police officer, not as Brian Reynolds
 19 civilian, right?

20 MR. GONZALES: Objection.

21 MS. TAYLOR: Objection.

22 MR. GONZALES: Just because the caption
 23 says that it doesn't mean that that's how he's
 24 suing you.

25 (Pages 231 to 234)

<p style="text-align: right;">Page 235</p> <p>1. You can laugh all you want. 2. MR. PILEGGI: All right. Fine. 3. BY MR. PILEGGI: 4. Q. There's allegations in that Complaint by the 5. plaintiffs; yourself, Officer Liciardello, Officer 6. Walker, and Officer Graham, that states that I was 7. lying when I brought cases against you as a police 8. officer because you were lying, stealing, and beating 9. people, right? 10. MR. GONZALES: What? Objection. 11. You can answer if you understand that. 12. THE WITNESS: I don't understand it. 13. Remember, I don't even know what this 14. thing says. I haven't seen that in years. 15. MR. PILEGGI: So, it's -- 16. MR. GONZALES: Hold on a second. Mike, 17. really, seriously, what is the point of all this? 18. MR. PILEGGI: John, I'll get to the 19. point if you let me. 20. MR. GONZALES: That'd be great. 21. MR. PILEGGI: Okay. Thank you. 22. BY MR. PILEGGI: 23. Q. Is that correct, Officer? 24. A. If that's what it says.</p>	<p style="text-align: right;">Page 237</p> <p>1. he – stopped being your sergeant when you were moved 2. out of the unit and Officer -- I mean, Sergeant 3. McCowski became your Sergeant at that time? 4. A. I don't recall who my Sergeant was. 5. Q. Well, let me ask you this. Am I correct 6. then, at some point they took you off the street. 7. When I say "took you off the street," 8. meaning you could not do any police work. You were 9. confined to the headquarters to do administrative work. 10. MR. GONZALES: Objection. You already 11. asked him this in day one of his deposition. 12. MR. PILEGGI: No, I did not. 13. MR. GONZALES: You can answer it again, 14. but, yeah, you did. 15. THE WITNESS: Yes, I was taken off the 16. street. 17. BY MR. PILEGGI: 18. Q. For how long? 19. A. I don't recall. 20. Q. And you were taken off the street, Officer 21. Liciardello was taken off the street, and Officer 22. Walker, right? 23. A. No. 24. Q. No?</p>
<p style="text-align: right;">Page 236</p> <p>1. Q. It says Police Officer Reynolds. 2. MR. GONZALES: He already admitted 3. that. 4. BY MR. PILEGGI: 5. Q. Did you get permission to file a Complaint 6. against an attorney who was bringing civil rights 7. complaints against you for stealing, lying, and beating 8. people? 9. A. Get permission from who? 10. Q. From anybody. 11. A. This was -- this was the lawsuit that was 12. filed. 13. Q. Did you get any -- did you get any approval 14. from your supervisors? 15. A. They were aware of it. 16. Q. How do you know? 17. A. We told them about it. 18. Q. Who did you tell? 19. A. I believe it was Officer Chester McCowski 20. (pH). 21. Q. Okay. And was he your -- was he your 22. Sergeant at the time? 23. A. I don't recall. 24. Q. Okay. Well, I would submit to you wasn't</p>	<p style="text-align: right;">Page 238</p> <p>1. A. It was just myself and Liciardello. 2. Q. Officer Walker was not? 3. A. Was not. 4. Q. How about Officer Graham? 5. A. Was not. 6. Q. Okay. While you were off the street -- by 7. the way, how long was that for? 8. A. I don't recall. 9. Q. Over a year? 10. A. I don't recall. 11. Q. Okay. When were you put back on the street? 12. A. I don't recall. 13. Q. Where were you when you were off the street? 14. A. We were assigned to our headquarters. 15. Q. Which was where? 16. A. 7801 Essington Ave. 17. Q. Okay. And what were you doing? What were 18. your duties at that time? 19. A. We were just assigned to desk duty. 20. Q. What does that mean, what were your duties? 21. A. We would go to the office and sit at a desk 22. for eight hours. 23. Q. Did you do any police work? 24. A. If officers came in with jobs and they needed</p>

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1 help processing paperwork, maybe we helped them process
2 paperwork or do in and odd jobs for them. Not exactly
3 sure what I did. Sat there.

4 Q. But you were not allowed to do any
5 Affidavits, right?

6 A. Correct.

7 Q. You were not allowed to testify, right?

8 A. I'm not sure if we testified or not during
9 that period. I don't recall if we did or not.

10 Q. Is it similar to what your duties are now, as
11 administrative?

12 A. Um, no, I'm just administrative personnel
13 now.

14 Q. Well, were you --

15 A. If I seen a crime in front of me, a robbery
16 per se, I can take action.

17 Q. Okay. Could you do that when you were taken
18 off the street back when you were suing me?

19 A. No.

20 Q. You could not make arrest.

21 A. No.

22 Q. Why?

23 A. I was assigned to desk duty.

24 Q. I understand that, but why?

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1 wear a wire on me, right?

2 A. I don't recall at which point the
3 investigator was hired.

4 Q. Who hired him?

5 MR. GONZALES: Hold on for a second.
6 I'm going to object.

7 What relevance does this have --

8 MR. PILEGGI: John, stop. This is a
9 deposition.

10 MR. GONZALES: -- to Mr. Torain's --

11 MR. PILEGGI: Quit it, quit it, please.

12 MR. GONZALES: Don't tell me to quit it.

13 MR. PILEGGI: Yeah, I am.

14 MR. GONZALES: You got to give me
15 something here.

16 MR. PILEGGI: I don't have to give you
17 anything, I'm deposing someone. If he doesn't
18 understand, or if he doesn't think it's relevant,
19 then he can choose not to answer.

20 MR. GONZALES: Right. But Rule 30 says
21 it has to be -- it has to be relevant --

22 MR. PILEGGI: John, I'm not --

23 MR. GONZALES: -- and not --

24 MR. PILEGGI: I don't have to tell

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1 A. (No audible response.)

2 Q. There had to be a reason, right?

3 A. Well, I believe I still had my weapon, so it
4 was just assigned to desk duty while Internal Affairs
5 investigated all the complaints that you made.

6 Q. Okay. So, it's your testimony that you were
7 placed on desk duty while Internal Affairs
8 investigated?

9 A. Yes.

10 Q. Okay. Do you know if Internal Affairs was
11 the only one investigating?

12 A. I don't know that.

13 Q. How about IMPACT?

14 A. I heard through the grapevine later on that
15 there was IMPACTS that -- checks that were done on us,
16 which we passed, but I never got any paperwork saying
17 that.

18 Q. How about the Feds?

19 A. Feds did do a check on us and we passed.

20 Q. And while you were --

21 A. Turned every -- every cent that was taken off
22 the undercover, was placed on a property receipt.

23 Q. So, as you were on desk duty, taken off the
24 street, that's when you hired a private investigator to

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1 you --

2 MR. GONZALES: And not designed to
3 harass a witness.

4 MR. PILEGGI: Officer, okay.

5 MR. GONZALES: You're asking him
6 questions about --

7 MR. PILEGGI: Objection --

8 MR. GONZALES: -- a civil lawsuit from
9 2005.

10 MR. PILEGGI: Yes.

11 MR. GONZALES: Okay. That is not
12 related to Mr. Torain's case. I don't see the
13 link to a Menel Claim. I don't see a link to
14 this case, that's all. Other than you have a --
15 you know, there's some issue that you have with
16 the Off -- a personal issue, and it's -- and
17 you're trying to get in, you know, to question him
18 about.

19 But if there's something relevant, I'd
20 like you to ask the relevant questions so we can
21 be finished here.

22 MR. PILEGGI: Well, does he want to
23 answer that, or should we read back the
24 record.

27 (Pages 239 to 242)

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1 THE WITNESS: Read back the record,
 2 please.

3 MR. PILEGGI: Okay.
 4 * * * *

5 (The requested portion of
 6 the record was read.)
 7 * * * *

8 MR. PILEGGI: You know what, strike that
 9 question, I'll rephrase it.

10 BY MR. PILEGGI:

11 Q. Officer, wasn't it about the time that you
 12 were taken off the street that this investigator was
 13 hired to wear a wire on me?

14 A. I don't recall when the investigator was
 15 hired.

16 Q. Who hired the investigator?

17 A. It would have been probably us, through our
 18 attorneys.

19 Q. No, I don't want probably --

20 A. I don't recall.

21 Q. Okay. Was it -- do you recall if you did
 22 that?

23 A. I don't recall.

24 Q. Who's Russell Coleman?

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1 You know in the State of Pennsylvania,
 2 in order to have a conversation and record it you must
 3 have both parties consents -- or all party's consents.

4 A. I believe there is something like that. I
 5 never had wire tap training to know the exact specifics
 6 about it.

7 Q. And am I correct that one of the wires that
 8 was -- or one of the times that I was recorded was in
 9 Pennsylvania, wasn't it?

10 A. I don't know when you were recorded.

11 Q. Okay. Did you inform the investigator not
 12 to -- not to wear a wire, or not to record somebody in
 13 Pennsylvania unless you get their permission?

14 A. I didn't inform the investigator nothing.

15 Q. Was that information ever used in conjunction
 16 with the lawsuit against me?

17 A. I couldn't even tell you.

18 Q. What do you mean, you don't recall?

19 A. I don't recall.

20 Q. But you were doing it to use it in
 21 conjunction with the lawsuit against me, right?

22 A. It was done. I don't remember what it was
 23 used for, though.

24 Q. Do you know if the FOP was involved in this

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1 A. I believe that's the investigator.

2 Q. How did you know him?

3 A. I don't recall.

4 Q. Who made the decision to wear a wire on an
 5 attorney?

6 A. I don't recall.

7 Q. Okay. And you did that in conjunction while
 8 you were a police officer, right?

9 A. I was a police officer at the time, yes.

10 Q. And, in fact, this individual, this

11 Mr. Kolins, the investigator --

12 A. I believe it was Russel Collins, too.

13 Q. Russell Kolind. He actually wore a wire
 14 twice, right?

15 A. I don't recall how many times he wore a
 16 wire.

17 Q. As a police officer, you know that, at least
 18 in the State of Pennsylvania, that you have to have
 19 permission of all parties to record a conversation,
 20 right?

21 A. Yeah. But I believe the conversation he had
 22 with you was in Jersey, correct, which is different.

23 Q. No. No. Officer, I'm asking you a different
 24 question.

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1 lawsuit? Bankrolled it?

2 A. No, I don't believe they did. But they
 3 knew -- they were aware of it.

4 Q. Who paid for the lawyer?

5 A. Myself and Liciardello. I'm not sure if
 6 Graham or Walker paid any money. But, yes, it was
 7 myself and Liacardello.

8 Q. And do you know when the recordings were
 9 done?

10 A. (No audible response.)

11 Q. In other words, were you still off the
 12 street, or were you back on the street?

13 A. I don't recall when they were done.

14 MR. PILEGGI: Well, let's refresh your
 15 recollection. Okay. I believe we're at 12.

16 * * * *

17 (Reynolds Exhibit 12 was
 18 marked for identification.)

19 * * * *

20 MR. PILEGGI: I'm going to show you
 21 what's been marked as --

22 MR. GONZALES: No, I'm going to read it
 23 first. This has never been produced in discovery
 24 and -- it has been, I apologize. This is from,

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1 um...
 2 MR. PILEGGI: Did you really say that,
 3 John?

4 MR. GONZALES: I just looked at the --
 5 MR. PILEGGI: Saying I didn't produce
 6 it?

7 MR. GONZALES: No. I looked at it for
 8 the first time. I have not reviewed this. I have
 9 not seen it. It bears a marking that says that
 10 our firm produced it.

11 MR. PILEGGI: Thank you.

12 MR. GONZALES: But I have not reviewed
 13 this, because it's not relevant to this case. But
 14 I'm going to look at it now. And once I review
 15 it, then you can ask questions to my client.

16 MR. PILEGGI: Why was it produced if it
 17 wasn't relevant?

18 * * * *

19 (Document review.)

20 * * * *

21 MR. GONZALES: Let's step out.
 22 We're going to take 10.

23 MR. PILEGGI: Wait a minute, there's a
 24 pending question.

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1 MR. GONZALES: What's the question?
 2 MR. PILEGGI: Are you kidding me?
 3 MR. GONZALES: No, I'm not kidding you.
 4 What's the question?
 5 MR. PILEGGI: There's a pending
 6 question.

7 * * * *

8 (The requested portion of
 9 the record was read.)

10 * * * *

11 MR. GONZALES: So, we're going to take a
 12 break.

13 * * * *

14 (There was a break taken
 15 in the deposition.)

16 * * * *

17 MR. PILEGGI: Mark this 13.

18 * * * *

19 (Reynolds Exhibit 13 was
 20 marked for identification.)

21 * * * *

22 MR. PILEGGI: Let's go back.
 23 MS. TAYLOR: Can I just ask that these
 24 be described, because I don't have them, either by

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1 reference to Bates range or contents, that would
 2 be helpful.

3 MR. PILEGGI: Okay. All right.
 4 I had marked, before we went on break,
 5 two... Wires, for the lack of a better word, two
 6 recordings where the investigator that you hired
 7 for your -- you and your fellow plaintiffs hired
 8 to record myself as, 12 and 13?

9 THE REPORTER: Yes.

10 MR. GONZALES: Reynolds-12 is Bates
 11 Number MDWNFU 1040 thru 1052. And Exhibit
 12 Reynolds-13 is Bates number MDWNFU 950 thru 968.

13 MS. TAYLOR: Are these dated?

14 MR. GONZALES: Yes.

15 MR. PILEGGI: And what are they, 12
 16 and 13, respectively?

17 THE REPORTER: Yes.

18 MR. PILEGGI: Let's start with --

19 MR. GONZALES: For the record, so
 20 that -- Reynolds-13 is dated 3/10/05.

21 MR. PILEGGI: And what's that, 12?

22 MR. GONZALES: And Reynolds-12 does not
 23 appear to have a date on it.

24 MS. TAYLOR: Thank you.

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1 MR. GONZALES: Okay.
 2 MR. PILEGGI: Let's go back to
 3 Reynolds-13. Your attorney just stated the date,
 4 BY MR. PILEGGI:

5 Q. Just state the date for the record again.

6 A. It's 3/10/05.

7 Q. Okay. You were still off the street then,
 8 weren't you?

9 A. I don't recall if I was off the street or
 10 not.

11 Q. Well, let me refresh your recollection.

12 Do you recall going back on the street
 13 in May?

14 A. I don't recall when I was taken off the
 15 street, the time frame, and when I went back on the
 16 street.

17 Q. But you were off for about a week, correct?

18 A. I was off longer than a week.

19 Q. Okay. I'm sorry, a year.

20 A. Yeah. I'm not sure how long it was.

21 Q. Are you aware that at some point doing this
 22 litigation Officer Liciardello, your partner, one of
 23 your partners, followed me to my home?

24 A. I wasn't aware of that, no.

29 (Pages 247 to 250)

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1 Q. You never heard that.
 2 A. I may have heard it.
 3 Q. Okay. Well --
 4 A. I had no personal knowledge if that was done
 5 or not.
 6 Q. If that was the case, if he followed me to my
 7 home, that would be illegal, wouldn't it?
 8 A. You'd have to ask Officer Liciardello that.
 9 Q. No, I'm asking you.
 10 A. I don't know. You'd have to ask him that.
 11 Q. Are you aware that there was threats made to
 12 myself during the pendency of that lawsuit?
 13 A. I'm aware of that.
 14 Q. You didn't make any threats, right?
 15 A. No, I had no need to.
 16 Q. Did you hear Officer Liciardello had an
 17 encounter with me at the Criminal Justice Center?
 18 Threatened me.
 19 A. I did not.
 20 Q. You never heard that?
 21 A. I may have. I don't remember if I did or
 22 not.
 23 Q. That would be illegal, won't it?
 24 A. You'd have to ask Officer Liciardello that.

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1 Q. That would be intimidation of a witness,
 2 wouldn't it?
 3 A. You'd have to ask Officer Liciardello that.
 4 Q. No, I'm asking you. As a police officer can
 5 you threaten a civilian, let alone an attorney, who is
 6 on the other side of a lawsuit that you sued?
 7 A. I would never do that.
 8 Q. I know. Of course you wouldn't, but would it
 9 be illegal?
 10 A. I think there would be some problems with it,
 11 yeah.
 12 Q. Okay. And there was some evidence that
 13 during the pendency of these NFU cases, 400 or so cases
 14 against you and some of your co-defendants, when Judge
 15 Diamond ordered an investigation that was based on,
 16 again, witness intimidation, right?
 17 MR. GONZALES: I'm going to object again.
 18 Judge Diamond did not order an
 19 investigation.
 20 MR. PILEGGI: Are you sure about that,
 21 John?
 22 MR. GONZALES: I am positive. And I
 23 talked to Joe Santarone, who was present at the
 24 time. I've read the transcript --

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1 MR. PILEGGI: You weren't there, right?
 2 MR. GONZALES: I read the transcript,
 3 and Judge Diamond warned the witnesses not to
 4 engage in any threatening behavior, or he would
 5 report them to the appropriate authorities.
 6 And Mr. Santarone acknowledged it, and
 7 said he would speak to his clients to ensure
 8 that it didn't happen, and said that he was not
 9 aware of the incident in question. So, yes.
 10 MR. PILEGGI: Since you were not there,
 11 did you see the order that he issued?
 12 THE WITNESS: No.
 13 MR. GONZALES: There was no order
 14 directing the FBI --
 15 MR. PILEGGI: There was an order, John.
 16 Before you make an objection -- please,
 17 I want you to state the facts right. There was an
 18 order.
 19 MS. TAYLOR: Do you have a copy?
 20 MR. GONZALES: Yeah.
 21 MR. PILEGGI: I do not with me, but I
 22 will certainly get it to you. I will get it to
 23 you. But the officer recalls, he was there.
 24 MR. GONZALES: No, he said he recalls

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1 portions of it, but he didn't recall the details.
 2 And he didn't recall an order that directed the
 3 FBI --

4 MR. PILEGGI: All right. Let me be --
 5 MR. GONZALES: -- to conduct an
 6 investigation.
 7 MR. PILEGGI: Let me refresh his
 8 recollection.
 9 MR. GONZALES: Whether he did or not, I
 10 don't know what relevance it is to Mr. Torain's
 11 lawsuit.
 12 BY MR. PILEGGI:
 13 Q. You would agree that witness intimidation by
 14 a police officer is a criminal offense. Correct?
 15 A. Correct. If it's investigated and that's
 16 what they determine it to be, yes.
 17 Q. Okay. Do you recall an incident that you
 18 were disciplined for when you -- yourself, Officer
 19 Reynolds, and Officer Liciardello jumped out of a
 20 vehicle doing the pendency of a case that I represented
 21 individuals against you, where they were threatened --
 22 those individuals were threatened?
 23 A. I was disciplined for something like that,
 24 yes.

30 (Pages 251 to 254)

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1 Q. Or even an admon -- even if it was an oral
 2 warning.
 3 A. I don't recall anything like that. Not
 4 saying that --
 5 Q. Do you recall the incident?
 6 A. I do not.
 7 Q. Do you recall testifying at a hearing
 8 where -- before the Honorable Norman Shapiro.
 9 Do you recall that?
 10 A. I do not.
 11 Q. You don't recall any cases before Judge
 12 Shapiro.
 13 A. I recall cases, I don't recall testifying
 14 about witness intimidation.
 15 Q. You don't recall several individuals; Samuel
 16 DePriest, there's a whole list of individuals who
 17 testified?
 18 A. I don't -- I recall --
 19 Q. That they were threatened --
 20 A. I recall something the DePriest case --
 21 Q. -- by yourself -- let me finish the
 22 question.
 23 Do you recall several individuals, who I
 24 represented, who were suing you who said they were

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1 this was an Affidavit that I presented and
 2 marked at the last deposition, and I attempted to
 3 ask you questions on before you left.

4 MR. GONZALES: Well, you asked him and
 5 then I adjourned the deposition because, again,
 6 this had not been produced prior to his
 7 deposition. Even though it appears to have been
 8 signed back in 2017.

9 MR. PILEGGI: All right. Duly noted.
 10 I want to you ask you some questions
 11 about this.

12 According to former Police Officer
 13 Walker, and I'm going to refer you to Page 2,
 14 Paragraph 11.

15 By the way, this was an Affidavit that
 16 was produced in conjunction with the Freeman
 17 case. An appeal by Dennis Freeman.

18 Paragraph 11 says: I am personally
 19 involved in the facts leading to the execution of
 20 the search warrants, arrest, and prosecution of
 21 Dennis Freeman and other individuals involved and
 22 associated with Dennis Freeman in the
 23 investigation (unintelligible) in 2000.

24 And just to refresh your recollection,

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1 threatened by you during the pendency of their case?
 2 A. I remember something along sorts coming up.
 3 I don't recall which individual, which cases they
 4 were. If I testified or anything like that.

5 MR. PILEGGI: Okay. We already marked
 6 this, but I'm going to mark it again. I know this
 7 is a duplicate, but I think it was already marked
 8 as Reynolds-4, but it was in the other
 9 deposition.

10 So, let's mark this as -- also as
 11 Reynolds-13. But I am putting on the record --

12 MR. GONZALES: You already have 13.

13 THE REPORTER: 13 or 14?

14 MR. PILEGGI: I'm sorry, 14. I'd also
 15 place on the record that it's also Reynolds-4.

16 * * * *

17 (Reynolds Exhibit 14 was
 18 marked for identification.)

19 * * * *

20 MR. PILEGGI: Officer, I'm showing you
 21 what's been marked as Reynolds-14. Which, again,
 22 is also marked as Reynolds-4.

23 This is an Affidavit from your former
 24 co-defendant, former partner, Jeffrey Walker. And

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1 this was the same Dennis Freeman where you were
 2 lead investigator and where AI was used.

3 Correct?

4 THE WITNESS: Yes.

5 MR. PILEGGI: All right. Paragraph 12:
 6 I have recently had the opportunity to review the
 7 Affidavit of Probable Cause, as well as the trial
 8 testimony of myself and the testimony of Brian
 9 Reynolds given at the criminal trial of Dennis
 10 Freeman. One of my partners in that investigation
 11 was Brian Reynolds.

12 BY MR. PILEGGI:

13 Q. That's correct, right?

14 A. Yes.

15 Q. In other words, Officer -- former Officer
 16 Walker was involved in that investigation, wasn't he?

17 A. He was.

18 MR. PILEGGI: Brian Reynolds was the
 19 lead investigator in the investigation that led to
 20 Dennis Freeman's arrest and subsequent
 21 prosecution, and was also the police officer that
 22 initiated the investigation after obtaining
 23 information from a quote, concerned citizen, end
 24 of quote.

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1 Brian Reynolds gave false testimony
2 about the concerned citizen, because the concerned
3 citizen was actually an individual that Brian
4 Reynolds and I had used several times prior to
5 the Freeman investigation as an unregistered
6 informant.

7 BY MR. PILEGGI:

8 Q. Is that a true statement?

9 A. I don't know if he was used prior to the
10 Freeman investigation or not. And he's not an
11 unregistered -- well, he is an unregistered informant,
12 because he's a concerned citizen at that time.

13 Q. Well, you said you used him several times.
14 So, you just don't recall --

15 A. I don't --

16 Q. Let me finish the question. You just don't
17 recall whether he was used prior to the Freeman case or
18 subsequent.

19 Is that so?

20 A. Correct. I don't know what cases he was
21 actually used on or not.

22 Q. Okay. How about the fact that he said you
23 gave false testimony?

24 A. I didn't give no false testimony.

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1 Q. He's lying?

2 A. Where's the false testimony at?

3 Q. Is he lying?

4 A. Yeah, I did not give false testimony. Yes,
5 he has to be lying.

6 Q. Well, you did testify in the case, correct?

7 A. I did.

8 Q. In fact, that's marked as exhibits, right?

9 A. Correct.

10 Q. So he's lying?

11 MR. GONZALES: Well, he already answered
12 that he is. And, secondly, I don't know -- what
13 you produced, I don't know if this is the entire
14 transcript of the trial. What you produced and
15 what has been marked as Reynolds-8 and Reynolds-5
16 appear to be just pretrial motions hearing, and
17 another hearing.

18 So, this -- this Affidavit that
19 you've produced, um, in which I think you were
20 representing Mr. Freeman at the time, you
21 haven't provided us with copies of the trial
22 transcript.

23 MR. PILEGGI: You've said that five
24 times.

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1 MR. GONZALES: That the, um -- the
2 Affiant allegedly reviewed prior to signing the
3 Affidavit that you attached to a pleading in a
4 case.

5 And I've asked you to produce it, and
6 you still have been produced it.

7 MR. PILEGGI: You have it though,
8 correct?

9 MR. GONZALES: No, I do not.

10 MR. PILEGGI: You had it for --

11 MR. GONZALES: No, you didn't produce
12 the transcript of the trial. You produced
13 yesterday --

14 MR. PILEGGI: I asked -- I didn't
15 ask him that --

16 MR. GONZALES: -- pretrial motions
17 here.

18 MR. PILEGGI: I didn't ask if he lied at
19 the trial, John. Please listen to the questions.

20 MR. GONZALES: That's what the Affidavit
21 says.

22 MR. PILEGGI: I asked him if you
23 falsified any testimony at trial.

24 That would include a motion, wouldn't

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1 it, Officer. When you testify you testify under
2 oath, don't you?

3 THE WITNESS: Correct. And I did not
4 provide false testimony.

5 BY MR. PILEGGI:

6 Q. Did you give false testimony in the pretrial
7 motion?

8 A. No.

9 Q. That would be illegal wouldn't it?

10 A. Correct.

11 Q. That would be perjury.

12 A. Correct.

13 Q. That would be punishable by criminal offense,
14 wouldn't it?

15 A. Correct.

16 Q. By the way, I mentioned before that this case
17 was tried by Curtis Douglas, right?

18 A. I believe he was the AUSA, yes.

19 Q. And you had to meet with Douglas in prep,
20 correct, for the trial?

21 A. I believe we met, yeah. I don't recall
22 exactly how many times.

23 Q. And he had to deal with this issue about the
24 concerned citizen that's in the pretrial motion, right?

32 (Pages 259 to 262)

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1 A. It came up. I don't know what you mean by he
2 had to deal with it.

3 Q. Well, he had to deal with that issue with the
4 court, if there was an issue?

5 A. Yeah. If there was an issue, yes, that would
6 be him that would deal with it.

7 Q. And he was aware that you made Al a
8 confidential informant after the case – during the
9 pendency of the case, right?

10 MR. GONZALES: Objection to the form.
11 You can answer.

12 THE WITNESS: I'm not sure what he was
13 aware of or not.

14 BY MR. PILEGGI:

15 Q. You testified to that, didn't you?

16 A. Correct. I did testify to it, so I'm pretty
17 sure he was aware of it then, yes.

18 Q. And this is the same Curtis Douglas that also
19 dealt with Reginald Graham when he was wearing a wire
20 on you guys and saying that you were dirty cops and –
21 correct?

22 A. I don't know what discussions him and
23 Reginald Graham.

24 Q. Well, you were aware that Mr. Graham --

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1 former Police Officer Graham, went to Curtis Douglas,
2 who in turn took him to the FBI, and that's how
3 Mr. Graham started providing information to them,
4 correct?

5 A. I heard he talked to Curtis Douglas. I don't
6 know exactly what they talked about or where he took
7 him.

8 Q. Right. Curtis Douglas was also at some point
9 a District Attorney, correct?

10 A. I believe so, yes.

11 Q. And he was also the head of the
12 Accountability -- Integrity and Accountability, right?
13 Who investigates police officers.

14 A. I'm not sure if he was or not. I know he was
15 a District Attorney, though, over there, as a boss, I'm
16 not sure what his title was.

17 Q. You're aware that Mr. Douglas gave testimony
18 in another case, another NFU case, Narcotics Field Unit
19 case, that you may or may not have been involved in,
20 but your partners were, right?

21 A. I don't recall what he gave testimony in.

22 MR. PILEGGI: It says: I have recently
23 had the opportunity to review the Affidavit of
24 Probable Cause, as well as the trial testimony of

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1 myself, and the testimony of Brian Reynolds, given
2 at the criminal trial of Dennis Freeman. One of
3 my partners in that investigation was Brian
4 Reynolds.

5 Brian Reynolds was the lead investigator
6 in the investigation that led to Dennis Freeman's
7 arrest and subsequent prosecution. Was also the
8 police officer who initiated the investigation,
9 after obtaining information from a concerned
10 citizen. Brian Reynolds gave false testimony
11 about the concerned citizen, because the
12 concerned citizen was actually an individual that
13 Brian Reynolds and I had used several times prior
14 to Freeman's investigation as an unregistered
15 informant.

16 BY MR. PILEGGI:

17 Q. So, does that refresh your recollection of
18 what Mr. Walker said, your ex-partner, said about the
19 use of Al while he was a concerned citizen in other
20 investigations?

21 A. I have no idea what he means by that.

22 MR. PILEGGI: Brian Reynolds also failed
23 to disclose that the individual was personally
24 involved in the investigation, and several other

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1 other investigations when he assisted us in
2 conducting surveillances, permitted us to use the
3 vehicle for stakeouts, and gave Brian Reynolds
4 information on other drug dealers so that he could
5 take over their drug locations when they were
6 arrested.

7 BY MR. PILEGGI:

8 Q. Is that true?

9 A. That's all false.

10 Q. That's false. He lied.

11 A. Yes.

12 MR. PILEGGI: Brian Reynolds and I used
13 this unregistered informant, who was known to us
14 as Al, described as a light-skinned black male
15 with curly dark hair, wearing eye glasses, and who
16 resided at the 16 District in the area of 41st and
17 Ogden Streets on numerous occasions, while Officer
18 Reynolds and I were detailed to the 16th
19 District.

20 BY MR. PILEGGI:

21 Q. Is that a fair description of Al?

22 A. Best of my recollection Al wasn't black, Al
23 was Spanish.

24 Q. Well, he said light-skinned.

33 (Pages 263 to 266)

<p style="text-align: right;">Page 267</p> <p>1 A. He said light-skinned black. 2 Q. Okay. But other than that did he have curly 3 dark hair? 4 A. I don't recall color. It was dark hair, 5 yeah. I don't remember it being curly, though. It may 6 have been. 7 Q. Did he wear glasses? 8 A. He did wear glasses, yes. 9 Q. Was he in -- from the 16th District? 10 A. He was. 11 Q. And did he -- did he live in the area, or 12 work in the area of 41st and Ogden Streets? 13 A. He did. 14 Q. In fact, he had like some kind of a car shop, 15 like where they fixed cars or something, or maybe 16 fender-benders, I'm not sure. 17 Is that correct? 18 A. Yeah, he did -- he worked on cars, yes. 19 Q. Okay. So, what Mr. Walker just said was 20 correct. 21 A. Some of it, yes 22 MR. PILEGGI: All right. We rewarded Al 23 for providing this information by giving him a 24 free pass to continue to engage in his criminal</p>	<p style="text-align: right;">Page 269</p> <p>1 to get all the information you need on Al, with a 2 person that you got information from in an 3 Affidavit. You keep -- I mean, you keep acting 4 like there's no way you can get this information. 5 MR. PILEGGI: All right. 6 BY MR. PILEGGI: 7 Q. Officer, but as the officer, if you were the 8 officer during the pendency of Freeman's case, that 9 signed Al up as a confidential informant, you 10 personally would have to do a background check and 11 bring that to whoever was signing him up, right? 12 A. Correct. 13 Q. Okay. 14 A. It would have been done. I don't have it 15 now, so I can't tell you what he was locked up for. I 16 don't recall. 17 Q. So, at your last deposition, on July 28th, 18 you did recall that Al had a criminal history. You 19 said that. 20 Do you recall saying that? 21 A. I believe he was arrested before, yes. I 22 don't know for what. 23 Q. Okay. But you know that he had a criminal 24 past, right?</p>
<p style="text-align: right;">Page 268</p> <p>1 activity. 2 BY MR. PILEGGI: 3 Q. Is that true? 4 A. No. I never saw Al engage in criminal 5 activity. If I did I would have arrested him. 6 Q. Well, you were aware that Al was -- you said 7 you were aware that he committed suicide while he was 8 in prison, right? 9 A. Correct. 10 Q. In fact, he was involved in beating up his 11 spouse or something? 12 A. I wasn't sure -- I didn't know why Al was in 13 prison. 14 I said, if you'd show me his criminal 15 record -- if you'd show me his criminal record I'd be 16 able to tell you what he was arrested for. 17 Q. We don't know what it is, because you 18 evidently don't know the name or anything about him, 19 right? 20 A. I don't remember the name, yes. 21 Q. Okay. And you would have -- 22 MR. GONZALES: Just for the record, you 23 have an Affidavit from, um, Mr. Walker, who 24 allegedly knows Al very well. So, you have access</p>	<p style="text-align: right;">Page 270</p> <p>1 A. I believe he was arrested before, yes. 2 Q. While you were using him in this case. When 3 I say "this case," meaning the Freeman case. 4 A. You mean while he provided me the 5 information, yes. 6 Q. Yes. 7 A. Yes. 8 Q. Okay. 9 A. I believe he was arrested prior to this 10 case. I'm not a hundred percent sure though, I don't 11 recall. 12 Q. And we know that he was arrested subsequent 13 to this case as well, right? 14 A. Yeah, I don't -- I don't know when he was 15 arrested, excuse me. 16 Q. Well, you said he was in jail. We're going 17 to assume that he was arrested. 18 A. Correct. He had to be arrested if he was in 19 jail. I don't know for what, though. 20 MR. PILEGGI: Al was known to us, 21 Reynolds and myself, to have had a criminal 22 history of drug dealing, robbing drug dealers, as 23 well as being involved in shootouts with other 24 drug dealers.</p>

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1 BY MR. PILEGGI:

2 Q. Does that refresh your recollection?

3 A. I never saw AI deal drugs. I never saw him
4 rob drug dealers, and I never saw him involved in
5 shootouts.

6 Q. So Walker made that up.

7 A. I don't know what Walker made up, but I've
8 never seen AI commit any of those crimes.

9 Q. Was that a lie?

10 A. Yeah, I would say unless I saw -- I don't
11 know if it's a lie. I'd have to see his criminal
12 record to see if he has a -- arrest record for drug
13 dealing, robbing drug dealers, or robberies, as well as
14 being involved in shootouts, which would be ag
15 assaults.16 MR. PILEGGI: Brian Reynolds identified
17 AI as a concerned citizen in the Freeman
18 investigation in order to make his information
19 more reliable or credible, and to appear that he
20 was someone living in the neighborhood who was
21 concerned about stopping drug activity.

22 BY MR. PILEGGI:

23 Q. Is that a lie?

24 A. They're his words. I used him as a concerned

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1 Objection. You can answer it if you
2 understand it.

3 THE WITNESS: I don't understand it.

4 MR. PILEGGI: Of course he doesn't.

5 All right. I'll say it again.

6 BY MR. PILEGGI:

7 Q. In other words, you were saying if you knew
8 that AI had a criminal history prior to using him in
9 the Freeman case, right?

10 Do you understand that part so far?

11 MR. GONZALES: If he knew --

12 THE WITNESS: If I knew, I don't know if
13 he did or not.

14 BY MR. PILEGGI:

15 Q. I'm just saying if you did, just keep it that
16 way.

17 A. Okay. Hypothetical, go ahead.

18 Q. If you knew that he had a criminal history
19 prior to using him in the Freeman case, and you
20 informed the prosecutor that he was actually a
21 concerned citizen and not just a criminal, you
22 wouldn't --

23 A. I don't understand that question.

24 Q. All right. I'll rephrase it. Let me say it

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1 citizen, yes.

2 Q. I'm saying, is he -- is that incorrect?

3 A. I don't understand what the investigation and
4 order make information more reliable or credible. He
5 gave me information, I went out and I verified the
6 information he gave me.7 Q. If he had had a criminal history prior to
8 Freeman, that would have been -- that would have been
9 something that you would have to have informed Curtis
10 Douglas, who was prosecuting the case, correct?

11 A. (No audible response.)

12 Q. In other words, if you were using someone
13 that you deemed to be a concerned citizen who was
14 really just a criminal, they weren't concerned at all,
15 right?16 MR. GONZALES: Objection. Are you
17 making a statement because he said he --18 MR. PILEGGI: No, I'm asking him a
19 question.

20 MR. GONZALES: -- didn't know --

21 MR. PILEGGI: I asked him a question.

22 MR. GONZALES: And what's the question?

23 MR. PILEGGI: I just said it, John.

24 MR. GONZALES: It made no sense.

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1 to you this way.

2 A concerned citizen could not be someone
3 who had a vast criminal background, could they?

4 A. Sure they could.

5 Q. They could. Under what -- under what
6 policies is that?7 A. That's the wording I used, concerned
8 citizen. It would either be a concerned citizen or a
9 confidential informant.10 Q. Officer, pursuant to the policies and
11 procedures of the police department, could you use a --
12 designate someone a concerned citizen if they had a
13 vast criminal history?14 A. If every -- listen, confidential sources get
15 locked up all the time.

16 Q. I'm not asking that. Answer the question.

17 MR. GONZALES: Listen to his specific
18 question.

19 MR. PILEGGI: Go ahead.

20 MR. GONZALES: Can you use confidential
21 sources, identified that --22 MR. PILEGGI: No, I didn't say
23 confidential source. I will ask the question.

24 BY MR. PILEGGI:

35 (Pages 271 to 274)

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1 Q. Could you designate someone a concerned
2 citizen if they have a long criminal history?
3 A. Yes.
4 Q. Okay. You could.
5 A. There's no --
6 Q. Don't you have to sign that individual --
7 MR. GONZALES: Wait a minute, he's still
8 asking you a question.
9 THE WITNESS: -- policy on confidential
10 sources or concerned citizen, become then.
11 BY MR. PILEGGI:
12 Q. So, you could use a confidential source, or a
13 concerned citizen -- in other words, someone who is not
14 signed up, who has a long criminal history.
15 A. Correct. If they're providing you with
16 information, yes. And then you would go out and verify
17 that information.
18 Q. Would you have to tell the prosecutor trying
19 that case that this person has a long criminal history?
20 A. If the prosecutor ask you and it comes up in
21 prepping for that case, then yeah.
22 Q. Did Curtis Douglas ask you?
23 A. I don't recall.
24 Q. But didn't the court ask you?

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1 A. If they did and if it's in there I'd have to
2 see it.
3 Q. Why do you have to see it, that's your
4 testimony, isn't it?
5 A. I don't recall what I testified to back in
6 2000 --
7 MR. GONZALES: His testimony was 20
8 years ago. He doesn't remember.
9 THE WITNESS: I don't recall. If it's
10 in there it's in there.
11 MR. PILEGGI: That's not what he said.
12 Okay. But if you --
13 THE WITNESS: If it's in there it's in
14 there.
15 MR. GONZALES: Let him answer.
16 MR. PILEGGI: I'm asking a
17 separate question, that's fine.
18 BY MR. PILEGGI:
19 Q. If you testified to that, again, another
20 hypothetical, let's assume you testified to that.
21 MR. GONZALES: To what?
22 BY MR. PILEGGI:
23 Q. To the fact that this -- AI was designated as
24 a concerned citizen, but was actually a drug dealer, a

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1 robber, um, a wife beater, and whatever else, a drug
2 dealer, would that be something that you would have to
3 provide to the prosecutor?
4 A. If it comes up during the prep sessions,
5 yes.
6 Q. And if in that deposition, or in that -- I'm
7 sorry, transcript that there was a question about his
8 criminal past, meaning AI's, did you provide --
9 wouldn't you have to provide that information to the
10 court?
11 A. If there was a question asked of me I'd have
12 to provide it, I'd have to see --
13 Q. Isn't that why --
14 MR. GONZALES: Wait. Let him answer the
15 question.
16 MR. PILEGGI: Okay. He did.
17 THE WITNESS: I'd have to see the notes
18 to see if there's a question asked of that. I
19 don't recall what was asked of me or what I said
20 back then.
21 BY MR. PILEGGI:
22 Q. And wouldn't you be required, if they had a
23 long criminal history, to make that person -- sign them
24 up, make them a confidential informant?

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1 A. No.
2 Q. So, why did you make AI a confidential
3 informant?
4 A. I already told you, he probably wanted to --
5 and I don't know this --
6 Q. No, don't say probably --
7 A. I don't know this --
8 MR. GONZALES: Don't interrupt him. Let
9 the witness answer his question.
10 MR. PILEGGI: I want his independent
11 recollection --
12 MR. GONZALES: -- Because you asked a
13 question --
14 MR. PILEGGI: I don't want him to
15 guess --
16 MR. GONZALES: -- he started to answer
17 it, you interrupted him. And you continuously
18 have interrupted him for like the last 15
19 minutes.
20 Let him answer the question.
21 MR. PILEGGI: I want him to --
22 MR. GONZALES: Let him answer the
23 question.
24 MR. PILEGGI: -- guess, John, I want him

36 (Pages 275 to 278)

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1 to answer a question based on his personal
2 recollection.

3 THE WITNESS: I don't have any
4 recollection of why he was signed --

5 MR. PILEGGI: Okay. That's all I wanted
6 to know.

7 Paragraph 18: Brian Reynolds and myself
8 had no regard for Al's safety, and we knew that
9 using him as an unregistered informant was in
10 violation of the Philadelphia Police policies --
11 police department policies and procedures in
12 regards to handling of informants and sources of
13 information.

14 We continued to use Al in this manner,
15 from the time Reynolds and myself were assigned to
16 the 16th District, and then for several years
17 after we were transferred to the Narcotics Field
18 Unit.

19 BY MR. PILEGGI:

20 Q. Just for clarification, the Freeman job was
21 while you were in the Narcotics Field Unit, right?

22 A. Yes.

23 Q. Okay. So, according to Walker, you used Al
24 on numerous occasions prior to the Freeman case.

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1 A. Exactly. I had his name. I could go into
2 the photo imager and pull his image up.

3 Q. You won't put it in the Affidavit if it
4 wasn't true, right?

5 A. Correct.

6 Q. And my question to you, do you know why
7 Walker would lie about any of this information?

8 A. Walker lied during this whole investigation.
9 I have no idea why.

10 Q. Okay.

11 A. He lied all through the whole Federal
12 investigation, too.

13 Q. He did.

14 A. He did.

15 MR. GONZALES: Hence, he's the only
16 convicted felon out of all of these.

17 MR. PILEGGI: Is that a comment there,
18 John?

19 MR. GONZALES: Yep.

20 MR. PILEGGI: I also witnessed Al's
21 personal vehicle parked on Jefferson Street, with
22 Al inside waiting for Reynolds to come to the
23 vehicle.

24 BY MR. PILEGGI:

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1 A. I don't recall if we did or not. You'd have
2 to provide the jobs.

3 MR. PILEGGI: Okay. During the Freeman
4 investigation I was present in an unmarked
5 vehicle when Brian Reynolds received a telephone
6 call from Al informing Reynolds that he had
7 information about narcotic sales near Al's
8 mechanic shop in West Philadelphia.

9 I was present later when Reynolds
10 ordered Al to go to the area of Jefferson Street
11 to identify Dennis Freeman.

12 BY MR. PILEGGI:

13 Q. Do you recall that?

14 A. I do not recall that.

15 Q. Well, it's in your Affidavit of Probable
16 Cause.

17 A. I received the information yes. I don't
18 recall how I got the information. And I ordered him to
19 go to the area, why would I order him go to the area.

20 Q. Do you recall Al -- telling Al to come out to
21 the -- to the location to identify Dennis Freeman?

22 A. I don't recall that. And I wouldn't do that,
23 because I had the information --

24 Q. Well, it's in your Affidavit.

1 Q. Is that true?

2 A. No.

3 Q. That's a lie.

4 A. Yes.

5 MR. PILEGGI: Our, Reynolds and other
6 police officers involved in the investigation, and
7 myself, intention was to steal money located
8 in these houses if possible, and/or articulate,
9 fabricate evidence to establish the probable cause
10 needed to arrest and prosecute those individuals
11 targeted in the investigation.

12 BY MR. PILEGGI:

13 Q. Is that true or a lie?

14 A. Lie.

15 Q. It's a lie. So, Walker's admitting that he
16 stole money, along with yourself and other officers,
17 and you're saying he's lying about that.

18 A. I never stole a thing.

19 Q. Okay. And you're aware that Walker, um,
20 signed a K-5 letter, where he had to cooperate with the
21 Federal government in the pending prosecution of
22 yourself and other officers, correct?

23 A. Correct.

24 Q. That he had to tell the truth.

37 (Pages 279 to 282)

1 A. Correct.
2 Q. And if he didn't tell the truth he subjected
3 himself to perjury and incarceration, correct?
4 A. Correct.
5 MR. PILEGGI: I was also present when
6 Brian Reynolds met with Al out of the area of
7 Jefferson Street and discussed Dennis Freeman and
8 other individuals involved in the investigation,
9 and heard Al tell Brian Reynolds that the
0 individuals were selling a lot of drugs, and that
1 they had a lot of money in their houses.
2 BY MR. PILEGGI:
3 Q. Is that true or false?
4 A. I don't recall that happening.
5 MR. PILEGGI: Okay. I was present when
6 Reynolds requested that Al drive Reynolds, in Al's
7 vehicle, to the Jefferson Street location so that
8 Reynolds could hide in Al's van and surveil the
9 block.
0 BY MR. PILEGGI:
1 Q. True or false?
2 A. False.
3 Q. You were in a van though, right?
4 A. I don't remember what vehicle was. I was

1 MR. GONZALES: No, and drive away.
2 MR. PILEGGI: And drive away.
3 THE WITNESS: False.
4 MR. PILEGGI: False.
5 THE WITNESS: False.
6 MR. PILEGGI: I witnessed Brian Reynolds
7 violating Philadelphia Police Policy in the
8 Freeman investigation in handling sources of
9 information, in using unregistered informants, and
10 in failing to corroborate information given to him
11 by Al.
12 Brian Reynolds violated these policies
13 and procedures in order to fabricate the probable
14 cause needed to arrest and prosecute Dennis
15 Freeman and other individuals involved in the
16 Freeman investigation.
17 BY MR. PILEGGI:
18 Q. True or false?
19 A. False.
20 Q. You never fabricated anything, right?
21 A. Nothing.
22 Q. By the way, that was Freeman's Complaint
23 wasn't it, that you made up information?
24 A. I stated I don't know what Freeman complained

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1 probably in one of our surveillance vehicles, so.
2 Q. Well, probably again. I want you to --
3 A. I don't recall what vehicle I was in.
4 Q. Well, is there anything in the -- in the
5 Affidavit of Probable Cause that would refresh your
6 recollection as to how you were surveilling the green
7 Pontiac, and the -- all the activity at Jefferson
8 Street?
9 A. No.
10 Q. But you were the surveilling officer,
11 correct?
12 A. I was.
13 Q. And you were the surveilling officer alone,
14 correct. You didn't have a partner that day.
15 A. Correct.
16 MR. PILEGGI: I saw Reynolds get into
17 the rear of Al's van, while Al drove to the block
18 of Jefferson Street. Once on Jefferson Street, Al
19 left the van, leaving Reynolds alone inside the
20 van.
21 After a period of time of surveillance,
22 I saw Al come back to the van while Reynolds was
23 still hiding in the van and driving away. And
24 drove away.

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about.

Q. You give a statement in there. They --

A. I did.

Q. I'm sure IAD told you what you were being investigated for.

A. I'm sure they did too. I don't remember. I don't recall what the Complaint or my answers were, sir. Thank you.

MR. PILEGGI: During the pendency of Dennis Freeman's criminal trial AI was signed up as a confidential informant by Brian Reynolds, after questions were raised by Freeman's counsel at pretrial proceedings about the identity of the concerned citizen. As well as the reliability and trustworthiness of the information given by AI.

BY MR. PILEGGI:

Q. True or false?

A. He was signed up, we know that, right.

Q. Is that statement true or false?

A. He was signed up. He did go from a confidential --

Q. He says that you signed him up.

Is that true or false?

A. They're his words on what he says. But, he

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1 did go from a concerned citizen to a confidential
 2 informant.
 3 Q. We know that.
 4 A. Okay. Well, they're Walker's words.
 5 Q. Did you sign him up? He says that you signed
 6 him up.
 7 A. Because questions were raised --
 8 Q. After questions were raised --
 9 A. Not at all --
 10 Q. -- by Freeman's counsel at a pretrial
 11 proceeding, about the identify of the concerned
 12 citizen.
 13 A. Not at all.
 14 Q. And you don't remember AI going into the
 15 Defense Attorney's office and running out?
 16 A. I don't remember that at all.
 17 MR. PILEGGI: Okay. I was present when
 18 Brian Reynolds signed AI up as a registered
 19 informant so that there would be no inquiry into
 20 Reynolds' improper use of AI as a source of
 21 information.
 22 BY MR. PILEGGI:
 23 Q. True or false?
 24 A. Well, he was signed up, we know that. But I

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1 MR. GONZALES: Objection, asked and
 2 answered.
 3 You can answer it again.
 4 THE WITNESS: He did go from a concerned
 5 citizen to a confidential informant.
 6 MR. PILEGGI: I know that, you said that
 7 three times.
 8 MR. GONZALES: He wants to know did you
 9 sign him up.
 10 THE WITNESS: I don't know if I signed
 11 him up or not. I would have to see the paperwork.
 12 BY MR. PILEGGI:
 13 Q. And you're referring to what paperwork?
 14 A. The Master file you referred to it as. That
 15 paperwork.
 16 Q. But, again, clarity's sake, you were the lead
 17 investigator, you were the one handling the information
 18 with AI. You were the one that was involved with AI.
 19 Identifying Mr. Freeman, all that. Right?
 20 MR. GONZALES: Objection. First of all,
 21 it's compound.
 22 Second of all, it's asked and answered.
 23 MR. PILEGGI: Now I want to just -- a
 24 couple things I want to attach. Um, I want to go

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1 don't know about the -- I don't know what the improper
 2 use of AI was, so.
 3 Q. How about the fact that you signed him up as
 4 a registered informant?
 5 A. If you have paperwork to show me that I would
 6 be able to see that.
 7 Q. I didn't ask you that. Is it true or
 8 false?
 9 MR. GONZALES: He already testified he
 10 doesn't remember.
 11 MR. PILEGGI: He's arguing with me.
 12 THE WITNESS: I'm not arguing with you.
 13 BY MR. PILEGGI:
 14 Q. Is it true or false?
 15 MR. GONZALES: He hasn't argued --
 16 MR. PILEGGI: He didn't say he didn't
 17 remember, he said show me paperwork.
 18 MR. GONZALES: You asked him this like
 19 two hours ago. And he said that he didn't
 20 recall.
 21 MR. PILEGGI: And I'm asking him again,
 22 after he sees Walker's Affidavit, very detailed
 23 Affidavit, as to what his actions were, as well as
 24 his own.

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1 back to Reggie Graham's cooperation with the
 2 Federal government, during the investigation of
 3 you by the Federal government. As well as your
 4 fellow officers.
 5 Let's mark that -- you know, why don't
 6 we do it collectively. I'm going to...
 7 Do you have an objection there, John?
 8 MR. GONZALES: No, I'm just looking. I
 9 see there's no Bates numbers on these documents,
 10 so I'm just curious where they came from.
 11 MR. PILEGGI: What are we at, 15?
 12 I'm going to submit these collectively.
 13 * * * *
 14 (Reynolds Exhibit 15 was
 15 marked for identification.)
 16 * * * *
 17 MR. PILEGGI: You're being shown what's
 18 been marked collectively as Reynolds-15.
 19 * * * *
 20 (There was a discussion
 21 had off the record.)
 22 * * * *
 23 MR. PILEGGI: And I will submit to you,
 24 I understand you want to review them, but just

39 (Pages 287 to 290)

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1 generally speaking, I will submit to you that
2 these are what we call 302s, which you're aware of
3 what a 302 is?

4 THE WITNESS: Correct.

5 BY MR. PILEGGI:

6 Q. What is it?

7 A. It's when information is given to the FBI, an
8 interview.

9 Q. And, generally speaking, this is an interview
10 or series of interviews, um, by the FBI to, um,
11 Mr. Graham.

12 A. Correct.

13 Q. Former Police Officer Graham. Now, again,
14 you worked with Reginald Graham on several cases,
15 correct?

16 A. Correct.

17 Q. So to speak, you broke bread with him, didn't
18 you. I mean, you -- well, did you ever -- did you ever
19 meet with him socially?

20 A. (No audible response.)

21 Q. Maybe had a couple drinks or something?

22 A. Outside of work?

23 Q. Yes.

24 A. Not really.

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1 Like I said, I don't remember seeing this.

2 Q. In fact, I think at one point in there he
3 described you as dirty cops. And he didn't want to
4 work with you.

5 MR. GONZALES: Is there a page
6 reference?

7 THE WITNESS: Is it in here?

8 MR. PILEGGI: Yeah, I'm saying.

9 BY MR. PILEGGI:

10 Q. Well, did you ever see any of those 302s
11 before?

12 A. I believe I have. I don't remember the gist
13 of them.

14 Q. They're Bates stamped. They were part of the
15 trial against you, correct?

16 A. Correct.

17 Q. Okay. And, although he was never a witness,
18 was he?

19 A. He was not.

20 Q. Although Walker was, but he was not.

21 Do you know why?

22 A. You'd have to ask the FBI that.

23 Q. And in those 302s he describes different jobs
24 where you were stealing money, beating people up, and

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1 Q. Okay. But you've done on occasions?

2 A. I don't recall if I did or not.

3 Q. All right. But you certainly joined in the
4 lawsuit against me, he was one of your co-plaintiffs,
5 wasn't he?

6 A. He was.

7 Q. Okay. And in particular, in that lawsuit you
8 describe what you believe was abuse by myself on cases
9 that I brought against you on behalf of my clients who,
10 um, with allegations of civil rights violations, right?

11 A. Correct.

12 Q. And Reggie Graham was part of some of those
13 cases. Not all of them, but some of them, right?

14 A. Correct.

15 Q. And you also described that you were aware
16 that he wore a wire on you or other officers during the
17 pendency of this FBI investigation, right?

18 A. I believe he wore a wire. I don't think it
19 was on me, though.

20 Q. Okay. But he certainly provided information
21 about what he believed was misconduct by yourself,
22 Officer Walker, and Officer Liciardello, among other
23 officers.

24 A. Correct. If that's what it says in here.

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1 falsifying documents.

2 A. I believe that's in here, yes.

3 Q. In general. And in particular, am I correct
4 that he actually mentioned me with the lawsuits I was
5 bringing and saying, and I'll quote, "Pileggi was right
6 on the money the way they were writing up the jobs.
7 And fabricating probable cause.

8 MR. GONZALES: You're quoting, so what
9 page are you quoting from?

10 MR. PILEGGI: If you look at the
11 highlighted --

12 MR. GONZALES: Oh, you want us to review
13 them. Okay.

14 MR. PILEGGI: You'll see.

15 BY MR. PILEGGI:

16 Q. Would you remember in the -- okay, I'll
17 strike that.

18 Do you remember in the pendency of your
19 criminal trial, where there was an issue about Reginald
20 Graham's information, they provided -- that he provided
21 to the Federal government?

22 A. I believe it was proven. I'm not a hundred
23 percent sure on this, so I'm not sure. But I believe
24 that he lied to the investigators.

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40 (Pages 291 to 294)

<p style="text-align: right;">Page 295</p> <p>1 Q. So you do recall. 2 A. Well, I recall bits and pieces of it. I 3 don't remember exactly, but I remember something along 4 the gist of where he lied to the investigators. 5 Q. About what? 6 A. I have no idea. I don't recall. I just 7 remember that -- that briefly, though. That that came 8 up at some point that he lied. 9 Q. Okay. 10 A. To the FBI. 11 Q. Okay. Were you ever provided with, um, you 12 believe there was a wire worn on somebody. 13 Were you ever provided with that -- that 14 conversation? 15 A. I believe there is a recording, and I 16 believe, like I stated earlier, it's Graham, Williams, 17 and Clahar. I don't remember exactly what the 18 recording said or says, or what they speak about. 19 Q. But am I correct that what's -- he provided 20 to the investigators, focused a great deal on yourself, 21 Licardello, and Walker about stealing, lying? 22 A. I don't know what he provided to the 23 investigators. I know he got caught in a lie. 24 Q. Do you recall testimony about the Kushner</p>	<p style="text-align: right;">Page 297</p> <p>1 apartment. 2 That was from Kushner's girlfriend on 3 the stand. 4 Q. What was her name? 5 A. I have no idea. It's all in discovery. 6 Q. You recall that, but you don't recall 7 anything else. 8 A. Well, I do recall that because it was a 9 pretty key piece in our trial. 10 Q. So, Kushner lied and Walker lied. 11 A. Correct. 12 Q. Okay. You didn't testify in that case, 13 correct? 14 MR. GONZALES: Asked and answered. 15 You already asked him that. You know 16 the answer. 17 BY MR. PILEGGI: 18 Q. You didn't testify in that case, correct? 19 A. In which case, the Federal case? 20 MR. GONZALES: No, no, you're not 21 answering. 22 Next question. 23 * * * * 24 (There was a discussion</p>
<p style="text-align: right;">Page 296</p> <p>1 job? 2 You recall Kushner, don't you? 3 A. I do recall Kushner, yes. 4 Q. And that was a job where Jeffrey Walker 5 testified that yourself, Officer Licardello, and 6 Walker stopped Mr. Kushner, put him in a holding cell 7 without charging him, took his keys to his apartment -- 8 let me finish the question. 9 Went to his apartment with the key, and 10 stole his safe with eighty thousand dollars in it? 11 MR. GONZALES: Hold on. Objection. 12 Is the question is that what happened, 13 or do you remember the allegations being -- 14 MR. PILEGGI: Yeah, do you recall the 15 allegations. 16 THE WITNESS: They were the allegations, 17 yes. 18 BY MR. PILEGGI: 19 Q. And they were allegations by Walker? 20 A. No, they were allegations by him and 21 Kushner. But then I remember during the trial 22 Kushner's girlfriend got on the stand and was 23 questioned about the safe. And her exact words were 24 his safe wasn't in that apartment, it was in his other</p>	<p style="text-align: right;">Page 298</p> <p>1 had off the record.) 2 * * * * 3 BY MR. PILEGGI: 4 Q. Do you know if, um -- is there any 5 documentation -- when you were taken off the street in 6 conjunction with, uh -- I guess it was 2004, 2005, was 7 there an investigation done by the Philadelphia Police? 8 A. Yes. 9 Q. In other words, Internal Affairs? 10 A. It was done by Internal Affairs, to the best 11 of my recollection. 12 Q. Okay. And what did they investigate? 13 A. All those cases where you filed lawsuits. 14 Q. Right. Okay. But, are you saying you were 15 taken off the street because of my lawsuits? 16 A. Yes. 17 Q. And then a couple years later you were 18 arrested by the Federal government? 19 A. That was four or five you said, '04 or '05. 20 I was arrested by the Federal government July 31st, 21 2014. So, give or take nine or ten years. 22 Q. Have you discussed any of your testimony 23 today, or any of the documents that you have received 24 in conjunction with this case, with any of your</p>

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1 co-defendants prior to your testimony?

2 MR. GONZALES: Outside the presence of
3 your attorney.

4 MR. PILEGGI: Yes.

5 THE WITNESS: No.

6 BY MR. PILEGGI:

7 Q. No. You had no discussions with Monaghan.
8 A. No, the only time I was -- during the first
9 deposition when I was going I called him to see if he
10 got notified by the City for anything. He's retired.
11 He said, no, I didn't hear nothing, I'm down the
12 shore. So, that was it.

13 Q. Were you aware that Monaghan's deposition's
14 under seal?

15 A. I'm not aware of that.

16 Q. Do you know how it got under seal?

17 A. I do not.

18 MR. GONZALES: Do you know how it got
19 under seal?

20 MS. TAYLOR: I don't know.

21 MR. PILEGGI: It's news to everybody.

22 MR. GONZALES: Do you know?

23 MR. PILEGGI: No idea. Woke up the next
24 day.

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1 BY MR. PILEGGI:

2 Q. Do you recall having a conversation with
3 Monaghan at the day of his deposition, when you were
4 laughing about how old this case was?

5 A. I recall that in the deposition, yeah. We
6 talked about just how long the case was. And he just
7 laughed.

8 Q. And do you recall sitting in his deposition?
9 You were probably the only one present, right?

10 A. I believe I was, yeah, I'm not sure. I know
11 I was there, I don't know what other officers were
12 there.

13 Q. Do you recall an incident, during the
14 deposition, on the second day of the depositions, of
15 Walker where there was an allegation that Walker was
16 threatened at a luncheon that, um, I forgot what it's
17 called. The sandwich shop, bay court?

18 A. I do recall yes, where he said he felt
19 threatened or something.

20 Q. And that was placed on the record, do you
21 recall that?

22 A. When we came back from lunch, yes, it was.

23 Q. Okay. And at that time you recall, because
24 you were in courtroom, right, um, the judge admonished

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1 the defendants not to go near Mr. Walker or try to
2 threaten him in any way or intimidation, right?

3 A. I believe that came up, yes.

4 Q. And then the last day when the deposition,
5 there was some allegations that your -- co-defendant,
6 Police Officer Licciardello, approached one of the
7 plaintiffs and was making threatening gestures, let me
8 say that.

9 A. I don't recall that.

10 Q. You don't recall the judge coming on the --
11 A. I don't recall that part of it, no.

12 MR. PILEGGI: I just want to put on the
13 record that I want the Master file, or any
14 information on AI. Any vouchers. Um, by the
15 way, just if we could go back on the record.

16 BY MR. PILEGGI:

17 Q. Officer, while he was a confidential
18 informant, if he did work for the police there would be
19 a voucher, correct?

20 A. There would be, yes.

21 Q. And it would be detailed, the circumstances,
22 if you say he made a buy or something, there would be
23 detailed as the circumstances of the buy, dates, times,
24 anything leading up to the buy itself.

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1 A. There would be, yes.

2 Q. And there would be vouchers as to how much
3 they were paid and et cetera, right?

4 A. The investigation location, case number and
5 all that.

6 Q. All right. And he would be assigned an
7 informant number, correct?

8 A. Correct.

9 Q. Would it always be a four-digit number?

10 A. It varies, I don't know.

11 MR. PILEGGI: All right. I would ask
12 that, and I don't know how we -- can you do it by
13 the name? I don't know -- we can go off the
14 record for this.

15 * * * *

16 (There was a discussion
17 had off the record.)

18 * * * *

19 MR. PILEGGI: One more thing I want to
20 move into the record. Reynolds-16.

21 * * * *

22 (Reynolds Exhibit 16 was
23 marked for identification.)

24 * * * *

42 (Pages 299 to 302)

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1 MR. PILEGGI: Okay. I'm going to show
 2 you what's been marked as Exhibit 16. This is
 3 a -- and I'll submit to you this is part of
 4 the Philadelphia Policies and Procedures. Um, and
 5 in particular...

* * * *

7 (There was a discussion
 8 had off the record.)
 9 * * * *

10 MR. PILEGGI: I'll submit to you that
 11 that's part of the policies and procedures of the
 12 Philadelphia Police Department. And in
 13 particular, the policies and procedures on
 14 confidential informants.

15 THE WITNESS: Confidential informants,
 16 yes.

17 MR. PILEGGI: Now, I asked you at the
 18 last deposition, um, some questions about your
 19 knowledge of the policies and procedures. And, in
 20 particular, with informants.

21 You said you didn't know of any policies
 22 and procedures.

23 BY MR. PILEGGI:

24 Q. Do you recall that?

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1 A. Sources, confidential sources.
 2 Q. And I asked you about informants.
 3 A. No, there's policy on confidential
 4 informants, confidential sources there is not. There
 5 was not back then.

6 Q. Okay. So, was there a policy on confidential
 7 informants back in 2000? During the Freeman case and
 8 the Torain case?

9 A. Yes.

10 Q. And were you familiar with that?

11 A. Somewhat.

12 Q. Now, you had to take MPO training and --

13 A. Yeah, but that doesn't deal with the
 14 informants and all that.

15 Q. Well, how were you familiar with it?

16 A. Well, you would just get it and read it, and
 17 if there's new amendments that come out you read them,
 18 try to familiarize yourself with them.

19 Q. And is there anything -- is there any
 20 guidelines that you recall, without looking at -- the
 21 document obviously speaks for itself, is there any
 22 guidelines that you recall with regards to what you
 23 needed to do, um, when you're dealing with a
 24 confidential informant?

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1 A. I remember there are certain steps that you'd
 2 have to do to sign them up, and I don't remember
 3 exactly what they are, but there is guidance.

4 Q. And did you follow those steps, or did
 5 whatever officer who signed AI up follow those steps?

6 A. They would have to be, or the Integrity
 7 Control Office wouldn't accept it. You had to have
 8 certain information in there in order to -- in order to
 9 sign someone up all this information had to be in
 10 there. And if it wasn't, they would send it back to
 11 you and say we need this or we need that, you know what
 12 I mean.

13 Q. And there's got to be certain checks and
 14 balances, right?

15 A. Correct.

16 Q. Okay. Now, pursuant to that policy, could
 17 you use a confidential informant who was committing
 18 criminal acts?

19 A. You'd have to know that they're committing
 20 criminal acts.

21 Q. That's not my question.

22 Could you use a confidential informant,
 23 under the policies and procedures of the police
 24 department, if they were engaging in criminal acts?

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1 A. I'm not sure what the policy says on it. I'd
 2 have to read it. But if someone's not in your presence
 3 and they're a confidential informant, and they're
 4 committing -- they're committing crimes, you don't know
 5 that.

6 Q. Okay. Fair enough. But if you find out that
 7 they're committing crimes --

8 A. You'd probably deactivate --

9 MR. GONZALES: Wait, let him finish the
 10 question, asking the question.

11 THE WITNESS: Sorry.

12 BY MR. PILEGGI:

13 Q. You have to deactivate him, right?

14 A. You probably would deactivate them, yes.

15 Q. Who's responsible for deactivating him?

16 A. Whoever signed the informant up. I'm
 17 assuming --

18 MR. GONZALES: Don't assume. If you
 19 know.

20 THE WITNESS: I don't know.

21 BY MR. PILEGGI:

22 Q. So, here's my question. Again, a
 23 hypothetical, if you were the one that signed him up as
 24 a confidential informant, right, and then you find out

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1 that he's engaged in criminal activity.
2 Is it then your responsibility to
3 deactivate them?
4 A. Deactivate them, or just don't use them no
5 more.
6 Q. But don't you have to formally --
7 A. I don't --
8 Q. -- deactivate them through the police
9 department?
10 A. I don't know if it says that in the policy,
11 I'd have to read it.
12 Q. I'm asking your independent recollection.
13 A. I don't have an independent recollection.
14 MR. PILEGGI: Okay. Nothing further.
15 MR. GONZALES: I just want to put
16 something on the record.
17 I'm sorry, do you have questions?
18 MS. TAYLOR: No questions.
19 MR. GONZALES: Earlier I made a
20 statement about -- in response to a comment you
21 made about whether Judge Diamond issued an actual
22 order. And he did. And, so, I was mistaken, I
23 want to correct the record.
24 And it's at document Number 140, um,

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1 case Number 13, dash, 27, um, 73. And, so, an
2 order was entered and, um, I stand corrected.
3 MR. PILEGGI: What's the order say?
4 MR. GONZALES: The order says -- well,
5 it's a 6-page order, but the relevant portion of
6 it says, at Paragraph 3, Defendant Liciardello
7 and Spicer's alleged acts of intimidation are you
8 referred to the United States Attorney's office of
9 this District for investigation, um, so, end
10 quote.
11 So, I apologize to you for, um -- if
12 there was any indication that I misrepresented
13 anything. I was not aware of the order, I don't
14 recall the order. Obviously it was entered, and
15 I must have known about it at --
16 MR. PILEGGI: Apology accepted.
17 MR. GONZALES: Back in 2016 when it was
18 entered, but I did not recall that being of
19 record.
20 So, I want to correct that.
21 * * * *
22 (The deposition concluded
23 at 1:31 p.m.)
24 * * * *

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1

2 CERTIFICATE
3
4

5 I hereby certify that the testimony and
6 the proceedings in the foregoing matter are
7 contained fully and accurately in the
8 stenographic notes taken by me, and that the
9 copy is a true and accurate transcript of the
10 same.
11
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Ronald DeShields, Notary Public

The foregoing certification does not
apply to any reproduction of the same by any
means unless under the direct control and/or
supervision of the certifying shorthand
reporter.

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1 INSTRUCTIONS TO THE WITNESS
2 Read your deposition over carefully
3 It is your right to read your deposition and make
4 changes in form or substance. You should assign a
5 reason in the appropriate column on the errata
6 sheet for any change made.
7
8 After making any changes in form or
9 substance which have been noted on the following
10 errata sheet along with the reason for any change,
11 sign your name on the errata sheet and date it.
12
13 Then sign your deposition at the
14 end of your testimony in the space provided. You
15 are signing it subject to the changes you have
16 made in the errata sheet, which will be attached
17 to the deposition before filing. You must sign it
18 in front of a witness. Have the witness sign in
19 the space provided. The witness need not be a
20 notary public. Any competent adult may witness
21 your signature.
22
23 Return the original errata sheet to
24 your counsel promptly. Court rules require filing
within thirty days after you receive the
deposition.

44 (Pages 307 to 310)

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1 ERRATA SHEET

2 Attach to Deposition of: P/O Brian Reynolds

3 Taken on: September 23, 2021

4 In the matter of: Torain, v. City of Philadelphia,
et al.

5 PAGE LINE NO. CHANGE REASON

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1 SIGNATURE PAGE

2 ---

3
4
5 I hereby acknowledge that I have
6 read the foregoing transcript, dated September 23,
7 2021, and the same is a true and correct
8 transcription of the answers given by me to the
9 questions propounded, except for the changes, if
10 any, noted on the Errata Sheet.

11 ---

12
13
14
15
16
17 SIGNATURE: _____
18 P/O Brian Reynolds

19 DATE: _____
20

21 WITNESSED BY: _____
22
23
24

45 (Pages 311 to 312)

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